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A Collection of Public General Statutes Past in the Fifteenth Parliament. London 1850. Victoria

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ANNO REGNI
VICTORIÆ,
Britanniarum Reginæ,
DECIMO TERTIO.

At the Parliament begun and holden at *Westminster*, the Eighteenth Day of *November*, *Anno Domini* 1847, in the Eleventh Year of the Reign of our Sovereign Lady VICTORIA, by the Grace of God Queen of the United Kingdom of *Great Britain* and *Ireland*, Defender of the Faith:

And from thence continued, by several Prorogations, to the Thirty-first Day of *January* 1850; being the THIRD SESSION of the EIGHTEENTH PARLIAMENT of the United Kingdom of *Great Britain* and *Ireland*.

LONDON:
Printed by George Edward Eyre and William Spottiswoode
Printers to the Queen's Most Excellent Majesty.
1850.

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1

ANNO DECIMO TERTIO

VICTORIÆ REGINÆ.

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Cess or public Money which they should respectively be required to collect, to extend to such Collectors the Benefit of the Provisions of the said recited Act for altering and modifying the Condition of the Securities so entered into by them, in like Manner as under the Provisions of the said Act: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, by any Order to be published in the *Dublin Gazette*, from Time to Time, before the Conclusion of the Spring Assizes of this Year, to order and declare that in and for any County, or Barony or Baronies of a County, in *Ireland*, in such Order specified, the Provisions of this Act shall be in force; and a Copy of such Order shall be transmitted to the Secretary of the Grand Jury of such respective County; and from the making of such Order thenceforth as to any such County, or Barony or Baronies of a County, in such Order specified, any Bond and Warrant of Attorney to confess Judgment to the Treasurer of such County for the due Collection of County Cess or public Money, given and entered into by any High Constable or Collector of County Cess within any such County or for any such Barony in such Order specified, at or after the last Summer Assizes for such County and before the passing of this Act, shall in all respects be deemed and construed and dealt with as if such Bond and Warrant of Attorney had been conditioned for such High Constable or Collector duly collecting and paying to the County Treasurer all such public Money required by him to be collected as he should receive, or as he without Neglect or wilful Default might have received; and any such last-mentioned Bond and Warrant, without any Stamp, shall be as valid and effectual for the Purposes of the said recited Act, and shall be deemed to be within the Meaning and subject to the Provisions of the said recited Act, as fully and effectually as if such Bond and Warrant had been conditioned in the Manner and Form prescribed in and been given under and pursuant to the Provisions of the said recited Act.

Power to Lord Lieutenant, by Order to be published in Dublin Gazette, to direct in what Counties and Baronies this Act shall be in force, and in such Places the Securities of Collectors of Cess given at or after the last Summer Assizes shall be deemed to be modified as if given under recited Act.

II. And be it enacted, That in every County in which or in any Barony of which the Provisions of this Act shall be in force in manner aforesaid it shall be lawful for the Secretary of the Grand Jury of such County, and he is hereby required, by Notice under his Hand, to be given to the High Constable or Collector of each Barony in which the Provisions of this Act shall be in force, Three Days before the swearing of the Grand Jury for the Spring Assizes of

Three Members of Grand Jury at the Spring Assizes of this Year to examine Collector's Accounts, and to certify

of this Year, to require him to attend, with his Accounts, Books, and Vouchers, for the Examination of such Collector's Accounts, before Three Members of the Grand Jury at the ensuing Spring Assizes of this Year for such respective County; and each such High Constable or Collector of the same is hereby required to attend and produce his Accounts, Books, and Vouchers relating to the Collection of Grand Jury Cess in such respective Barony, before Three Members of the Grand Jury of such County at such Spring Assizes, who shall by the Grand Jury be appointed for such Purpose, and shall examine the same; and after due Examination of the same, and after Examination upon Oath of such High Constable or Collector and such other Person or Persons as such Grand Jurors may require to be examined relating to the same, which Oath any such Grand Juror shall be empowered to administer, such Three Grand Jurors shall determine and ascertain the Amount of the Sums which such High Constable or Collector shall have received, or without Neglect or wilful Default might have received and collected, of the Amount of the County Cess required to be collected by him since the then last Summer Assizes, and shall by their Certificate certify under their Hands the Amount thereof which without Neglect or wilful Default might have been so collected, and also the Amount actually collected, together with a List of the Persons and Lands from whom or which such Cess has not been collected, and also a List of the Persons and Lands, if any, from whom or which the same might have been so collected and has not been collected; and such Certificate and Lists shall by such Grand Jurors or by the Secretary of the Grand Jury be laid before the Grand Jury at the said Spring Assizes, who shall take the same into their Consideration; and if they shall pass a Resolution approving of such Certificate, or approving thereof subject to any Modification, and if such High Constable or Collector shall duly pay or shall have paid over to the respective Treasurer of the County the whole Amount which it shall appear by such Certificate, so approved or modified, might without Neglect or wilful Default have been collected, such High Constable or Collector in such Case shall receive and be paid his Poundage, as in the said recited Act provided, upon the Amount so collected and paid over to the Treasurer.

the Amount he might without Neglect or wilful Default have received.

Certificate and Lists to be laid before Grand Jury, and if approved, and Money paid over, Collector to be entitled to Poundage.

III. And be it enacted, That in the Construction of this Act, unless the Subject or Context require another Construction, the Word "County" shall extend to a County of a City or County of a Town, and the Word "Barony" shall extend to any District for which any such Collector may be or may have been appointed under the Powers by Law given in that Behalf.

Interpretation of Terms.

IV. And

Act may be amended, &c.

IV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

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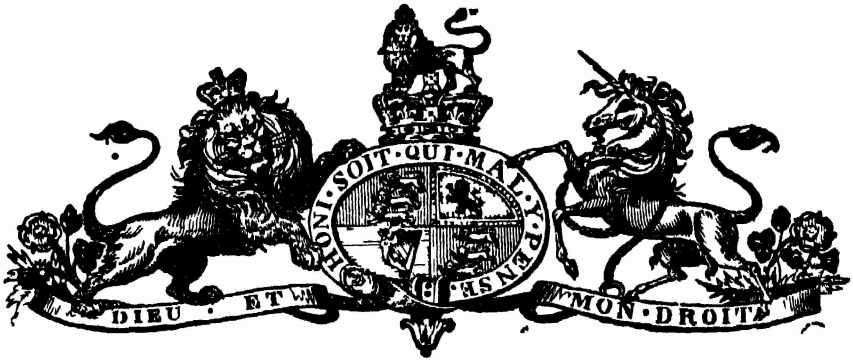
7



ANNO DECIMO TERTIO

VICTORIÆ REGINÆ.

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Power to Justices to command such Assemblies or Processions to disperse.

II. And be it enacted, That any Justice or Justices of the Peace shall proceed, with such Assistance as in the Judgment of such Justice or Justices may be necessary, to the Place where any such Assembly of Persons hereby declared to be unlawful shall be held or take place, and such Justice or one of such Justices, or some other Person by their or his Order, shall then and there read or repeat aloud to the Persons so assembled a Command or Notice to disperse in the Words or to the Effect following; (that is to say,)

'OUR Sovereign Lady the Queen doth charge and command all 'Persons being here assembled immediately to disperse and peace-'ably to depart upon pain of Fine or Imprisonment, according to 'the Statute passed in the Thirteenth Year of the Reign of Queen 'Victoria, to restrain Party Processions in *Ireland*.

'GOD save the Queen.'

Penalty on Persons refusing to disperse after such Command, &c.

III. And be it enacted, That the Persons so met and assembled together shall forthwith, after such Command or Notice shall have been read or repeated aloud as aforesaid, disperse and depart; and if any One or more of the Persons so met or assembled together as aforesaid shall not disperse and depart within the Space of One Quarter of an Hour from the Time of such Command or Notice having been read or repeated aloud as aforesaid, such Person or Persons shall be guilty of a Misdemeanor, and it shall be lawful for the Justice or Justices who shall have read or repeated, or who shall have ordered to be read or repeated, such Command or Notice, or for any other Justice or Justices of the Peace, to seize, or by Order to any Constable or other Person to cause to be seized and detained for the Use of Her Majesty, any such Fire-arms or other offensive Weapon, and any such Banner, Emblem, Flag, or Symbol, and any musical Instruments in the Possession of any such Persons, and to cause the Person or Persons so refusing or neglecting to disperse or depart to be apprehended, either with or without a Warrant for that Purpose, or to be summoned to answer for such Offence; and such Offender or Offenders may thereupon be proceeded against in a summary Way for such Offence before any Two Justices of the Peace before whom he or they may be brought or summoned to appear; and every Person, being convicted thereof on the Oath of One or more credible Witness or Witnesses, shall be liable to a Penalty not exceeding Five Pounds, and to Imprisonment for any Term not exceeding One Calendar Month unless such Penalty be sooner paid, or, at the Discretion of the said Justices, to be committed to any One of Her Majesty's Common Gaols or Prisons in *Ireland* for a Term not exceeding One Calendar Month, and for a Second or any subsequent Offence against the Provisions of this Act to a Penalty not exceeding Ten Pounds, and to Imprisonment for any Term not exceeding Two

Calendar

Calendar Months unless the same be sooner paid, or, in the Discretion of the said Justices, to be committed to any One of Her Majesty's Common Gaols or Prisons in *Ireland* for a Term not exceeding Two Calendar Months.

IV. And be it enacted, That all Fire-arms or other offensive Weapons which shall be borne, employed, or be in the personal Possession of any Person forming Part of any Assembly or Procession declared unlawful under this Act, shall be forfeited to the Use of Her Majesty, whether the Command or Notice under this Act provided shall have been read or repeated or not, or whether after the reading or repeating of the same such Assembly or Procession shall have dispersed or not; and any such Person who shall neglect or refuse to deliver up such Arms or offensive Weapons at any such Meeting as aforesaid to any Justice of the Peace, when required so to do, shall for every such Refusal or Neglect be subject to the Penalties in this Act already set forth, which Penalties shall be recoverable in the same summary Manner, and the Party so offending shall be subject to Imprisonment in like Manner, as has already been provided in respect to the summary Proceedings under this Act.

Fire-arms in possession of Persons forming Part of any Assembly, &c. to be forfeited.

V. Provided always, and be it enacted, That no Person who shall have been proceeded against in a summary Way as aforesaid for not dispersing or departing within the Space of One Quarter of an Hour from the Time of such Command or Notice having been read or repeated aloud as aforesaid, shall likewise be indicted for a Misdemeanor for having been present at the unlawful Assembly at which such Command or Notice shall have been so read or repeated: Provided also, that nothing herein contained shall prevent the Prosecution by Indictment for a Misdemeanor of any Person who shall be present at any such unlawful Assembly as aforesaid, and who shall not have been proceeded against in a summary Way as herein-before last mentioned.

Party proceeded against for not departing after Notice not to be indicted for Misdemeanor for being present at Assembly at which Notice was read.

VI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

Act may be amended, &c.

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CAP. III.

An Act to apply the Sum of Eight Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and fifty.

[25th *March* 1850.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of *Great Britain* and *Ireland*, in Parliament assembled, towards making good the Supply which we have cheerfully granted to Your Majesty in this Session of Parliament, have resolved to grant unto Your Majesty the Sum herein-after mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That there shall and may be issued and applied, for or towards making good the Supply granted to Her Majesty for the Service of the Year One thousand eight hundred and fifty, the Sum of Eight Millions out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, and the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, or

There shall be applied, for the Service of the Year 1850, the Sum of 8,000,000*l.* out of the Consolidated Fund.

or the Lord High Treasurer of the United Kingdom of *Great Britain* and *Ireland* for the Time being, are or is hereby authorized and empowered to issue and apply the same accordingly.

The Treasury may cause 8,000,000*l.* of Exchequer Bills to be made out in manner prescribed by 48 G. 3. c. 1., 4 & 5 W. 4. c. 15., and 5 & 6 Vict. c. 66.

II. And be it enacted, That it shall be lawful for the said Commissioners of Her Majesty's Treasury, from Time to Time, by Warrant under their Hands, to cause or direct any Number of Exchequer Bills to be made out at the Receipt of Her Majesty's Exchequer at *Westminster* for any Sum or Sums of Money not exceeding in the whole the Sum of Eight Millions, and such Exchequer Bills shall be made out in the same or like Manner, Form, and Order, and according to the same or like Rules and Directions, as are directed and prescribed in an Act passed in the Forty-eighth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for regulating the issuing and paying off of Exchequer Bills*, and in another Act passed in the Session of Parliament holden in the Fourth and Fifth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to regulate the Office of the Receipt of His Majesty's Exchequer at* Westminster, and in another Act passed in the Session of Parliament holden in the Fifth and Sixth Years of the Reign of Her present Majesty, intituled *An Act for further regulating the Preparation and Issue of Exchequer Bills.*

The Clauses, &c. in recited Acts extended to this Act.

III. And be it enacted, That all and every the Clauses, Provisoes, Powers, Privileges, Advantages, Penalties, Forfeitures, and Disabilities contained in the said recited Acts shall be applied and extended to the Exchequer Bills to be made out in pursuance of this Act, as fully and effectually, to all Intents and Purposes, as if the said several Clauses, Provisoes, Powers, Privileges, Advantages, Penalties, Forfeitures, and Disabilities had been particularly repeated and re-enacted in the Body of this Act.

Interest on Exchequer Bills.

IV. And be it enacted, That the Exchequer Bills to be made out in pursuance of this Act shall and may bear an Interest not exceeding the Rate of Three-pence Halfpenny *per Centum per Diem* upon or in respect of the whole of the Monies respectively contained therein.

Bank of England may advance 8,000,000*l.* on the Credit of this Act, notwithstanding 5 & 6 W. & M. c. 20.

V. And be it declared and enacted, That it shall and may be lawful for the Governor and Company of the Bank of *England*, and they are hereby empowered, to take, accept, and receive the Exchequer Bills authorized to be made out in pursuance of this Act, and to advance or lend to Her Majesty, at the Receipt of the Exchequer at *Westminster*, upon the Credit of the Sum granted by this Act out of the Consolidated

Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, any Sum or Sums of Money not exceeding in the whole the Sum of Eight Millions, anything in an Act passed in the Fifth and Sixth Years of the Reign of King *William* and Queen *Mary*, intituled *An Act for granting to Their Majesties several Rates and Duties upon the Tonnage of Ships and Vessels, and upon Beer, Ale, and other Liquors, and for securing certain Recompences and Advantages in the said Act mentioned to such Persons as shall voluntarily advance the Sum of One million five hundred thousand Pounds towards carrying on the War against* France, or in any other Act or Acts, to the contrary notwithstanding.

Bills prepared by virtue of this Act to be delivered to the Bank, as Security for such Advances.

VI. And be it enacted, That it shall be lawful for the said Commissioners of Her Majesty's Treasury, and they are hereby authorized and empowered, to cause such Bills as shall be prepared by virtue of this Act to be delivered from Time to Time to the Governor and Company of the Bank of *England*, in such Proportions as the Public Service may require, as Security for any Advance or Advances which may be made to Her Majesty by the said Governor and Company of the Bank of *England* under the Authority of this Act.

Monies raised by Bills to be applied to the Services voted by the Commons.

VII. And be it enacted, That it shall be lawful for the said Commissioners of Her Majesty's Treasury to issue and apply from Time to Time all such Sums of Money as shall be raised by Exchequer Bills to be made out in pursuance of this Act to such Services as shall then have been voted by the Commons of the United Kingdom of *Great Britain* and *Ireland* in this present Session of Parliament.

Exchequer Bills made chargeable upon the growing Produce of the Consolidated Fund.

VIII. And be it enacted, That the Principal Sum or Sums of Money to be contained in all such Exchequer Bills to be made forth by virtue of this Act, together with the Interest that may become due thereon, shall be and the same are hereby made chargeable and charged upon the growing Produce of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* in the next succeeding Quarter to that in which the said Exchequer Bills have been issued; and it shall be lawful for the said Commissioners of Her Majesty's Treasury for the Time being, and they are hereby authorized, from Time to Time, by Warrant under their Hands, to direct the Comptroller General of the Receipt of the Exchequer at *Westminster*, in such Manner as they shall think necessary, to grant a Credit on the Exchequer Funds in the Bank of *England* unto such Person or Persons as shall be named in the said Warrant, which Credit shall be chargeable on and paid out of the growing Produce of the said Consolidated Fund of the next succeeding

ceeding Quarter to that in which the said Exchequer Bills have been issued, for any Sum or Sums of Money not exceeding in the whole a Sum sufficient to discharge and pay off the Principal Sum or Sums of Money contained in such Exchequer Bills then outstanding, and which may have been made out and issued by virtue of this Act, together with all such Interest as may be due thereupon.

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and make up and sign Abstracts thereof, and of Revenues and Debts.

Revenues and Debts, distinguishing bonded from floating Debts, of the several Road or Bridge Trusts for which they shall act as Trustees or Commissioners, and to make up Abstracts of such Accounts, each which Abstract shall contain a Statement of the Revenues and Debts of the Road or Bridge Trust, and also an Account of all Bonds given by the Trustees or Commissioners, and the Dates thereof, which said Abstracts of Accounts and Statements shall be signed by not less than Three of the Trustees or Commissioners.

Clerks of Turnpike Road and Bridge Trusts, &c. annually to transmit to the Lord Lieutenant Abstracts of Accounts and Statements of Revenues and Debts.

II. And be it enacted, That the several and respective Clerks or Secretaries to such Trustees or Commissioners by whom or by whose Committees such Abstracts of Accounts and Statements of Revenues and Debts of the respective Turnpike Road and Bridge Trusts under the Charge of such Trustees or Commissioners are directed to be made and signed as aforesaid shall, on or before the First Day of *October* One thousand eight hundred and fifty, transmit to the Lord Lieutenant or other Chief Governor or Governors of *Ireland* Abstracts and Statements, made up and signed as herein-before prescribed, and according to the Form contained in the Schedule (A.) annexed to this Act, or as nearly in the said Form as Circumstances will permit, for the Period of a Year ending on the Thirty-first Day of *December* One thousand eight hundred and forty-nine, and shall in like Manner, upon the First Day of *October* in all future Years, transmit to the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being the like Abstracts and Statements, made up and signed in the Manner herein-before directed, and in the Form of the said Schedule (A.), or as nearly in the said Form as Circumstances will permit, for the Year ending on the Thirty-first Day of *December* then next preceding; and if any Clerk or Secretary to such Trustees or Commissioners shall refuse or neglect to transmit such annual Abstracts and Statements within the Time herein-before prescribed, then and in every such Case every Clerk or Secretary so offending shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds nor less than Five Pounds, at the Discretion of any Justice or Justices of the Peace before whom Complaint of such Offence shall be made.

Lord Lieutenant to cause Abstracts to be laid before Parliament.

III. And be it enacted, That the Lord Lieutenant or other Chief Governor or Governors of *Ireland* to whom such annual Abstracts and Statements shall be transmitted shall cause the same to be revised, abstracted, and arranged, and laid before both Houses of Parliament, together with any Observations which he may think proper to be made respecting the State, Condition, and Repair of the Roads and Bridges, or any of them, or respecting the Debts, Revenues, Expenditure, and Management of any such Turnpike and Bridge Trusts.

IV. And

IV. And be it enacted, That when and as often as the Trustees or Commissioners of any Turnpike Road or Bridge shall have entered into a Resolution to apply to Parliament for any new Turnpike Road or Bridge Act, or for the Continuation of the Term and Powers of the Act under which any Turnpike Road or Bridge is regulated, or for the Alteration or Enlargement of the Powers and Provisions of such Act or any of them, or for an Alteration of the Tolls or Pontages to be levied on such Turnpike Road or Bridge, the Clerk or Secretary of such Trustees or Commissioners shall immediately thereupon transmit a Copy of such Resolution to the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, together with a Copy of any special Clauses proposed to be inserted in the intended Act, and also a Statement of the Alteration of Tolls or Pontages intended to be made.

If Road or Bridge Acts proposed to be amended, Clerk to transmit Resolution and Particulars to the Lord Lieutenant.

V. And be it enacted, That the Penalties hereby imposed shall be recovered in such and the like Manner and subject to like Provisions as the Penalties imposed by and under the Acts for the more effectual Relief of the destitute Poor in *Ireland* are directed to be recovered, and shall be from Time to Time paid, one Moiety thereof to the Informer or Person suing for and recovering the same, and the other Moiety to the Treasurer or Treasurers to the Trustees or Commissioners for repairing or maintaining the Road or Bridge relating to which such Offence shall have been committed, and be applied and disposed of for the Purposes of such Road or Bridge.

Penalties how to be recovered and applied.

VI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

Act may be amended, &c.

SCHE-

SCHEDULE (A.)

GENERAL STATEMENT of the INCOME and EXPENDITURE of the TURNPIKE ROAD [*or* BRIDGE] TRUST in the County of for the Period between the First Day of January and the Thirty-first Day of December in the Year

INCOME.	£ s. d.	EXPENDITURE.	£ s. d.
Balance in Treasurer's Hands brought forward - -		Balance due to the Treasurer brought forward - -	
Revenue received from Tolls -		Manual Labour - -	
Revenue from Fines - -		Carriage of Materials - -	
from incidental Receipt		Materials for Surface Repairs -	
Amount of Money borrowed on the Security of the Tolls -		Land purchased - -	
		Damage done in obtaining Materials - - -	
		Tradesmen's Bills - -	
		Salaries: Treasurer -	
		Secretary - -	
		Clerk - -	
		Surveyor - -	
		Other Officer -	
		Law Charges - -	
		Interest on Debt - -	
		Annuities - - -	
		Improvements - -	
		Watering Roads - -	
		Debts paid off - - -	
		Incidental Expenses - -	
Balance due to the Treasurer -		Balance in the Treasurer's Hands	

DEBTS.	£ s. d.	Rate of Interest per Cent. £ s. d.	ARREARS OF INCOME.	£ s. d.	Insert the Name and Place of Abode of the Treasurer, Clerk, or Secretary, General and Superintending Surveyor, below.
Bonded Debt - -			Arrears of Tolls for current Year -		
Floating ditto -			Arrears of any other Receipt ditto -		
Unpaid Interest -			Arrears of former Years		
Balance due to the Treasurer -					
Total Debts -			Total Arrears -		

Distance in Statute Miles over which such Road Trust extends - - - - Miles.

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mentioned Forces in their Duty, that an exact Discipline be observed, and that Soldiers who shall mutiny or stir up Sedition, or shall desert Her Majesty's Service, be brought to a more exemplary and speedy Punishment than the usual Forms of the Law will allow: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for Her Majesty to make Articles of War for the better Government of Her Majesty's Forces, which Articles shall be judicially taken notice of by all Judges and in all Courts whatsoever; and Copies of the same, printed by the Queen's Printer, shall, as soon as may be after the same shall have been made and established by Her Majesty, be transmitted by Her Majesty's Secretary at War to the Judges of Her Majesty's Superior Courts at *Westminster*, *Dublin*, and *Edinburgh* respectively, and also to the Governors of Her Majesty's Dominions abroad; provided that no Person within the United Kingdom of *Great Britain* and *Ireland*, or the *British Isles*, shall by such Articles of War be subject to be transported as a Felon, or to suffer any Punishment extending to Life or Limb, except for Crimes which are by this Act expressly made liable to such Transportation or to such Punishment as aforesaid, or shall be subject with reference to any Crimes made punishable by this Act to be punished in any Manner which shall not accord with the Provisions of this Act.

Articles of War made by Her Majesty to be judicially taken notice of.

II. And be it enacted, That all the Provisions of this Act shall apply to all Persons who are or shall be commissioned or in Pay as an Officer, or who are or shall be listed or in Pay as a Non-commissioned Officer or Soldier, and to all Persons employed on the Recruiting Service receiving Pay in respect of such Service, and to the Officers and Soldiers belonging to the Forces of the *East India* Company while such Officers or Soldiers shall be in any Part of the United Kingdom, and to the Officers and Persons who are or shall be serving and hired to be employed in the Royal Artillery and Field Train, and to Master Gunners, and Gunners, and Conductors of Stores, and to all Officers and Persons who are or shall be serving in the Regiment of Royal Engineers and the Corps of Royal Sappers and Miners, and in the Corps of Royal Military Surveyors and Draftsmen, and to Persons in the Ordnance and Commissariat Departments, who are or shall be serving with any Part of Her Majesty's Forces at home or abroad, under the Command of any Officer having Commission from Her Majesty or from His late Majesty King *William* the Fourth, and to all Storekeepers and other Civil Officers who are or shall be employed by or act under the Ordnance at any of Her Majesty's Ordnance Establishments in the Islands of *Jersey*, *Guernsey*, *Alderney*,

Persons subject to this Act.

Alderney, *Sark*, and *Man*, and the Islands thereto belonging, or at Foreign Stations; provided that nothing in this Act contained shall extend to affect any Security which has been given by such Storekeeper, Barrack Master, or other Officer, or their Sureties, for the due Performance of their respective Offices, under the Provisions of an Act passed in the Fiftieth Year of the Reign of His Majesty King *George* the Third, to regulate the taking of Securities in all Offices, but that such Bonds and other Securities shall be and remain in full Force and Effect.

Act to extend to Jersey, Guernsey, &c.

III. And be it enacted, That this Act shall extend to the Islands of *Jersey*, *Guernsey*, *Alderney*, *Sark*, and *Man*, and the Islands thereto belonging, as to the Provisions therein for enlisting of Recruits, whether Minors or of full Age, and swearing and attesting such Recruits, and for mustering and paying, and to the Provisions for the Trial and Punishment of Officers and Soldiers who shall be charged with Mutiny and Desertion, or any other of the Offences which are by this Act declared to be punishable by the Sentence of a Court-martial, and also to the Provisions which relate to the Punishment of Persons who shall conceal Deserters, or shall knowingly buy, exchange, or otherwise receive any Arms, Clothes, Military Furniture, or Regimental Necessaries from any Soldier or Deserter, or who shall cause the Colour of any such Clothes to be changed, or who shall aid in the Escape of a Prisoner from a Military Prison, or who shall introduce forbidden Articles into such Prison, or shall carry out any such Articles, or who shall assault any Officer of such Prison, and also to the Provisions for exempting Soldiers from being taken out of Her Majesty's Service for not supporting or for leaving chargeable to any Parish any Wife or Child or Children, or on account of any Breach of Contract to serve or work for any Employer, or on account of any Debts under Thirty Pounds, in the said Islands.

Foreign Troops in this Country.

IV. And be it enacted, That all Officers and Soldiers of any Troops, being mustered and in Pay, which shall be raised and serving in any of Her Majesty's Dominions abroad, or in Places in possession of or occupied by Her Majesty's Subjects under the Command of any Officer having any Commission immediately from Her Majesty, shall be subject to the Provisions of this Act and of Her Majesty's Articles of War, in like Manner as Her Majesty's other Forces are; and if such Officers and Soldiers, having been made Prisoners, be sent into *England* or *Ireland*, although not allowed to serve therein, all the Provisions of this Act in regard to billeting Soldiers shall apply to such Officers and Soldiers.

Militia and Yeomanry.

V. And be it enacted, That nothing in this Act contained shall in anywise be construed to extend to any Militia Forces or Yeomanry

or

or Volunteer Corps in *Great Britain* or *Ireland*, excepting only in such Cases wherein, by any Act or Acts for regulating any of the said Forces or Corps, the Provisions contained in any Act for punishing Mutiny and Desertion shall be specifically made applicable to the said Corps.

Power to constitute Courts-martial.

VI. And be it declared and enacted, That for the Purpose of bringing Offenders against this Act and the Articles of War to Justice Her Majesty may from Time to Time, in like Manner as has been heretofore used, grant Commissions under the Royal Sign Manual for the holding Courts-martial within the United Kingdom of *Great Britain* and *Ireland*, and may grant Commissions or Warrants under the said Royal Sign Manual to the Chief Governor or Governors of *Ireland*, the Commander of the Forces, or the Person or Persons commanding in chief, or commanding for the Time being, any Body of Her Majesty's Forces, as well within the United Kingdom of *Great Britain* and *Ireland* and the *British Isles* as in any of Her Majesty's Garrisons and Dominions or elsewhere beyond Seas, for convening Courts-martial, and for authorizing any Officer under their respective Commands to convene Courts-martial, as Occasion may require, for the Trial of Offences committed by any of the Forces under the Command of any such last-mentioned Officer, whether the same shall have been committed before or after such Officer shall have taken upon him such Command; the Officer so authorized not being however below the Degree of a Field Officer, except upon the Western Coast of *Africa*, where a Captain may be authorized to convene District or Garrison Courts-martial; and any Person subject to this Act who shall in any Part of Her Majesty's Dominions or elsewhere commit any of the Offences for which he may be liable to be tried by Court-martial by virtue of this Act or the Articles of War, may be tried or punished for the same in any Part of Her Majesty's Dominions where he may have come after the Commission of the Offence, as if the Offence had been committed where such Trial shall take place.

General Courts-martial.

VII. And be it enacted, That a General Court-martial convened in *Saint Helena*, *Africa*, *Honduras*, *New Zealand*, the *Australian* Colonies, and the Settlements on the Coast of *China*, shall consist of not less than Five Commissioned Officers; that if convened in *Jamaica*, *Newfoundland*, *Bermuda*, or the *Bahamas*, or in any Part out of the Queen's Dominions, excepting the Parts afore mentioned, it shall consist of not less than Seven; and that if convened in any other Part of the Queen's Dominions, or of the Settlements of the *East India* Company, it shall consist of not less than Thirteen Commissioned Officers, and shall have Power to sentence any Officer or Soldier to suffer Death, Transportation,

portation, or any other Punishment which shall accord with the Provisions of this Act.

VIII. And be it enacted, That a District or Garrison Court-martial shall consist of not less than Seven Commissioned Officers, except in *Bermuda*, the *Bahamas*, *Saint Helena*, *Jamaica*, *Honduras*, *Newfoundland*, *New Zealand*, the *Australian* Colonies, the *Windward* and *Leeward Islands*, *British Guiana*, and the Settlements on the Coast of *China*, where it may consist of not less than Five Commissioned Officers, and in *Africa*, where it may consist of not less than Three Commissioned Officers; and such Court-martial shall have the same Power as a General Court-martial to sentence any Soldier to such Punishments as shall accord with the Provisions of this Act: Provided always, that such Court-martial shall not have Power to try a Commissioned Officer, nor to pass any Sentence of Death or Transportation.

District or Garrison Courts-martial.

IX. And be it enacted, That a Regimental or Detachment Court-martial shall consist of not less than Five Officers, unless it is found to be impracticable to assemble that Number, when Three may be sufficient, and shall have Power to sentence any Soldier to Corporal Punishment, or to Imprisonment, and to Forfeiture of Pay, in such Manner as shall accord with the Provisions of this Act.

Regimental and Detachment Courts-martial.

X. And be it enacted, That in Cases of Mutiny and gross Insubordination, or other Offences committed on the Line of March, or on board any Transport Ship, Convict Ship, Merchant Vessel, or Troop Ship not in Commission, the Offence may be tried by a Regimental or Detachment Court-martial, and the Sentence confirmed and carried into execution on the Spot by the Officer in the immediate Command of the Troops, provided that the Sentence shall not exceed that which a Regimental Court-martial is competent to award.

Courts-martial on Line of March or in Troop Ships.

XI. And be it enacted, That it shall be lawful for any Officer commanding any District, Detachment, or Portion of Her Majesty's Troops which may at any Time be serving out of Her Majesty's Dominions, upon Complaint made to him of any Offence committed against the Property or Person of any Inhabitant of or Resident of any such Countries, by any Person serving with or belonging to Her Majesty's Armies, being under the immediate Command of any such Officer, to convene a Detachment General Court-martial, which shall consist of not less than Three Officers, for the Purpose of trying any such Person; and every such Court-martial shall have the same Powers in regard to Sentence upon Offenders as are granted by this Act to General Courts-martial: Provided always, that no Sentence of any such Court-martial shall be executed until the General command-

Courts martial in special Cases out of the Queen's Dominions.

ing the Army to which the Division, Brigade, Detachment, or Party to which any Person so tried, convicted, and adjudged to suffer Punishment shall belong shall have approved and confirmed the same.

Mixed Courts-martial in case of Marines and East India Company.

XII. And be it enacted, That, where necessary or expedient, Officers of Her Majesty's Royal Marines, or Officers in the Service of the *East India* Company, or Officers of both such Services, may sit on Courts-martial, together with Officers of Her Majesty's Land Forces, whether the Commanding Officer by whose Order such Court-martial is assembled belongs to the Land or to the Marine Forces; and when the Person to be tried shall belong to the Land Forces, then the Proceedings of such Court shall be regulated, to all Intents and Purposes, as if the Court was composed of Officers of Her Majesty's Land Forces only, and the Provisions of this Act, and the Oaths hereby prescribed, shall be applicable to the Proceedings of such Court; but where the Person to be tried shall belong to Her Majesty's Royal Marines, then the Provisions of an Act passed in the present Session of Parliament, for the Regulation of Her Majesty's Royal Marine Forces while on Shore, and the Oaths therein prescribed, shall be applicable; and where the Person to be tried shall be in the Service of the *East India* Company the Provisions of an Act passed in the Third and Fourth Years of the Reign of Her present Majesty, to amend the Laws for punishing Mutiny and Desertion of Officers and Soldiers in the Service of the *East India* Company, and the Oaths thereby prescribed, shall be applicable, notwithstanding any Officer, though in the actual Service of the said Company, may hold a Commission from Her Majesty or from His late Majesty King *William* the Fourth.

President of Court-martial.

XIII. And be it enacted, That the President of every Court-martial shall be appointed by the Authority convening such Court, and shall in no Case be the Officer commanding in chief or Governor of the Garrison where the Offender shall be tried, nor Commander of the Regiment or Body of Troops composed of Detachments of different Regiments to which the Prisoner belongs; nor in the Case of a General Court-martial under the Degree of a Field Officer, unless a Field Officer cannot be had; nor in any Case whatever under the Degree of a Captain, save in the Case of a Detachment General Court-martial holden out of Her Majesty's Dominions, or of a Regimental or Detachment Court-martial holden on the Line of March, or on board any Transport Ship, Convict Ship, Merchant Vessel, or Troop Ship not in Commission, or on any Foreign Station where a Captain cannot be had.

Proceedings at Trial.

XIV. And be it enacted, That in all Trials by Court-martial, as soon as the President and other Officers appointed to serve thereon shall be assembled, their Names shall be read over in the Hearing of the

the Prisoner, who shall thereupon be asked if he objects to being tried by the President or by any of such Officers; and if the Prisoner shall then object to the President, such Objection shall be referred to the Decision of the Authority by whom such President shall have been appointed; but if he object to any Officer other than the President, such Objection shall be decided by the President and the other Officers so aforesaid appointed to form the Court; and when the Place of the President or other Officer in respect of whom any Challenge shall have been made and allowed shall be supplied by some Officer in respect of whom no Challenge shall have been made or allowed, or if no Challenge whatever shall have been made, or, if made, not allowed, the President and the other Officers composing a General Court-martial shall take the Oaths in the Schedule to this Act annexed before the Judge Advocate or his Deputy, or Person officiating as such, and on Trials by other Courts-martial before the President of such Court, who are hereby respectively authorized to administer the same, and any sworn Member may administer the Oath to the President; and as soon as the said Oaths shall have been administered to the respective Members, the President of the Court is hereby authorized and required to administer to the Judge Advocate, or the Person officiating as such, the Oath in the Schedule to this Act annexed; and no Proceeding or Trial shall be had upon any Offence but between the Hours of Eight of the Clock in the Morning and Four in the Afternoon, except in Cases which require an immediate Example, and except in the *East Indies*, where such Proceedings or Trial may be had between the Hours of Six in the Morning and Four in the Afternoon.

Swearing and summoning Witnesses.

XV. And be it enacted, That all General and other Courts-martial shall have Power and Authority, and are hereby required, to administer an Oath to every Witness or other Person who shall be examined before such Court in any Matter relating to any Proceeding before the same; and every Person, as well Civil as Military, who may be required to give or produce Evidence before a Court-martial, shall, in the Case of General Courts-martial, be summoned by the Judge Advocate General, or his Deputy, or the Person officiating as such, and in the Case of all other Courts-martial, by the President of the Court; and all Persons so summoned and attending as Witnesses before any Court-martial shall, during their necessary Attendance in or on such Courts, and in going to and returning from the same, be privileged from Arrest, and shall, if unduly arrested, be discharged by the Court out of which the Writ or Process issued by which such Witness was arrested, or if such Court be not sitting, then by any Judge of the Superior Courts of *Westminster* or *Dublin*, or the Court of Session in *Scotland*, or of the Courts of Law in the *East* or *West Indies*, or elsewhere, according as the Case shall require, upon its being made to appear to such Court or Judge, by any Affidavit in a summary Way, that

that such Witness was arrested in going to or returning from or attending upon such Court-martial; and all Witnesses so duly summoned as aforesaid who shall not attend on such Courts, or attending shall refuse to be sworn, or being sworn shall refuse to give Evidence or not produce the Documents under their Power or Control required to be produced by them, or to answer all such Questions as the Court may legally demand of them, shall be liable to be attached in the Court of Queen's Bench in *London* or *Dublin*, or the Court of Session, or Sheriff Depute or Stewarts Depute, or their respective Substitutes, within their several Shires and Stewartries, in *Scotland*, or Courts of Law in the *East* or *West Indies*, or in any of Her Majesty's Colonies, Garrisons, or Dominions in *Europe* or elsewhere respectively, upon Complaint made, in like Manner as if such Witness, after having been duly summoned or subpœnaed, had neglected to attend in a Trial in any Proceeding in the Court in which such Complaint shall be made.

Previous Convictions to be put in Evidence.

XVI. And be it enacted, That after a Prisoner has been found guilty of any Charge or Charges, the Court before which any such Prisoner shall have been tried may, before passing Sentence on such Prisoner, and for the Purpose only of affixing Punishment, receive in Evidence against him any previous Convictions by Courts-martial, and in like Manner and for the like Purpose the Court shall receive in Evidence any previous Conviction of such Prisoner by a Court of ordinary Criminal Jurisdiction, where the Offence charged in the Indictment was of a felonious, fraudulent, or unnatural Nature; and in the Case of Convictions by Courts-martial a Certificate, which shall purport to contain a Copy of the Charges, Finding, and Sentence of the Court, and of the Minute of the Infliction or Remission of all or any Part of such Sentence, made from the original Minutes of such Court, or from the Court-martial Book, and which shall further purport to be signed by the Judge Advocate General or by his Deputy, or by the Officer officiating as such, or by the Officer confirming the Proceedings, or by any competent Staff Officer, in case such Copy be taken from the original Minutes, or by the Commanding Officer, Adjutant, or other Officer having the Custody of the Court-martial Book, in case such Copy be taken from the said Book, shall be sufficient Evidence of such Conviction; and it shall not be necessary to prove the Signature or official Character of the Person appearing to have signed such Certificate, nor, if the Court be satisfied from all the Circumstances of the Case that the Prisoner under Trial is the Person mentioned in any such Certificate, shall it be necessary to give other Proofs of the Identity of the Person of the Offender; and in the Case of a Conviction by a Court of ordinary Criminal Jurisdiction, any Certificate transmitted as herein-before provided to the Officer commanding a Regiment by the Clerk of any such Court, or

other

other Officer having Custody of the Records of such Court, or the Deputy of such Clerk, containing the Substance and Effect of any Indictment, omitting the formal Part, together with the Judgment of the Court thereon, and purporting to be signed by such Clerk or other Officer, or by the Deputy of such Clerk, shall be sufficient Evidence of such last-mentioned Conviction; and it shall not be necessary to prove the Signature or official Character of the Person appearing to have signed such last-mentioned Certificate, nor, if the Court be satisfied from all the Circumstances of the Case that the Prisoner under Trial is the Person mentioned in such Certificate, shall it be necessary to give other Proofs of the Identity of the Person of the Offender: Provided always, that before any such Evidence shall be received it shall be proved to the Satisfaction of the Court that the said Prisoner had previously to his Trial received Notice of the Intention to produce such Evidence against him: Provided also, that the Court shall in no Case award to him any other Punishment or Punishments than may by this Act and by the Articles of War be awarded for the Offence of which he shall have been so found guilty.

Report of Proceedings of General and District Courts-martial.

XVII. And be it enacted, That every Judge Advocate, or Person officiating as such at a General Court-martial, and the President of every District or Garrison Court-martial, where the Offender shall be a Non-commissioned Officer or Soldier belonging to Her Majesty's Land Forces, are required to transmit, with as much Expedition as the Opportunity of Time and Distance of Place can admit, the original Proceedings and Sentence thereof to the Judge Advocate General in *London*, in whose Office they shall be carefully preserved; and any Person tried by a General Court-martial, or any Person on his Behalf, shall be entitled, on Demand, to a Copy of such Sentence and Proceedings (paying reasonably for the same), whether such Sentence shall be approved or not, at any Time not sooner than Six Months if the Trial took place at *Gibraltar* or in the *Mediterranean*, Three Months if at any other Station within *Europe*, and Twelve Months if elsewhere in Her Majesty's Dominions; provided that such Demand as aforesaid shall have been made within the Space of Three Years from the Date of the Approval or other final Decision upon the Proceedings before such General Court-martial.

No second Trial, but Revision allowed.

XVIII. And be it enacted, That no Officer or Soldier, being acquitted or convicted of any Offence, shall be liable to be tried a Second Time by the same or any other Court-martial for the same Offence; and that no Finding, Opinion, or Sentence given by any Court-martial, and signed by the President thereof, shall be revised more than once, nor shall any additional Evidence be received by the Court on any Revision.

Mutiny.

Crimes punishable with Death.

XIX. And be it enacted, That if any Person subject to this Act shall at any Time during the Continuance of this Act begin, excite, cause, or join in any Mutiny or Sedition in Her Majesty's Land or Marine Forces, or shall not use his utmost Endeavours to suppress the same, or coming to the Knowledge of any Mutiny or intended Mutiny shall not, without Delay, give Information thereof to his Commanding Officer; or shall hold Correspondence with or give Advice or Intelligence to any Rebel or Enemy of Her Majesty, either by Letters, Messages, Signs, or Tokens, in any Manner or Way whatsoever; or shall treat or enter into any Terms with such Rebel or Enemy without Her Majesty's Licence, or Licence of the General or Chief Commander; or shall misbehave himself before the Enemy; or shall shamefully abandon or deliver up any Garrison, Fortress, Post, or Guard committed to his Charge, or which he shall be commanded to defend; or shall compel the Governor or Commanding Officer of any Garrison, Fortress, or Post to deliver up to the Enemy or to abandon the same; or shall speak Words or use any other Means to induce such Governor or Commanding Officer, or others, to misbehave before the Enemy, or shamefully to abandon or deliver up any Garrison, Fortress, Post, or Guard committed to their respective Charge, or which he or they shall be commanded to defend; or shall desert Her Majesty's Service; or shall leave his Post before relieved; or shall be found sleeping on his Post; or shall strike or shall use or offer any Violence against his Superior Officer, being in the Execution of his Office, or shall disobey any lawful Command of his Superior Officer; or who being confined in a Military Prison shall offer any Violence against a Visitor or other Officer, being in the Execution of his Office; all and every Person and Persons so offending in any of the Matters before mentioned, whether such Offence shall be committed within this Realm, or in any other of Her Majesty's Dominions, or in Foreign Parts, upon Land or upon the Sea, shall suffer Death or such other Punishment as by a Court-martial shall be awarded.

Judgment of Death.

XX. And be it enacted, That no Judgment of Death by a Court-martial shall pass unless Two Thirds at least of the Officers present shall concur therein.

Commutation of Death for Transportation.

XXI. And be it enacted, That whensoever any General Court-martial by which any Soldier shall have been tried and convicted of any Offence punishable with Death shall not think the Offence deserving of Capital Punishment, such Court-martial may adjudge the Offender, according to the Degree of the Offence, to be transported as a Felon for Life, or for a certain Term of Years, or may sentence him to general Service as a Soldier in any Corps and in any Country or Place which Her Majesty shall thereupon direct, or

may,

may, if such Offender shall have enlisted for a limited Term of Years, sentence him to serve for Life as a Soldier in any Corps which Her Majesty shall please to direct: Provided always, that in all Cases where a Capital Punishment shall have been awarded by a General Court-martial it shall be lawful for Her Majesty, or, if in the *East Indies*, for the Officer commanding in-chief the Forces in *India*, instead of causing such Sentence to be carried into execution, to order the Offender to be transported as a Felon, either for Life or for a certain Term of Years, as shall seem meet to Her Majesty, or, if in the *East Indies*, to the Officer commanding as aforesaid.

Embezzlement punishable by Transportation.

XXII. And be it enacted, That every Paymaster or other Commissioned Officer of Her Majesty's Forces, or any Person employed in the Ordnance or Commissariat Department, or in any Manner in the Care or Distribution of any Money, Provisions, Forage, or Stores, who shall embezzle or fraudulently misapply, damage, or be concerned in or connive at the Embezzlement, fraudulent Misapplication, or Damage, of any Money, Provisions, Forage, Arms, Clothing, Ammunition, or other Military Stores belonging to Her Majesty's Forces or for Her Majesty's Use, may be tried for the same by a General Court-martial, which may adjudge any such Offender to be transported as a Felon for Life or for any certain Term of Years, or to suffer such Punishment of Fine, Imprisonment, Dismissal from Her Majesty's Service, and Incapacity of serving Her Majesty in any Office, Civil or Military, as such Court shall think fit, according to the Nature and Degree of the Offence; and every such Offender shall, in addition to any other Punishment, make good at his own Expense the Loss and Damage sustained, which shall have been ascertained by such Court-martial; and in every such Case the Court is required to ascertain by Evidence the Amount of the Loss or Damage incurred, and to declare by their Sentence that such Amount shall be made good by such Offender; and the Loss and Damage so ascertained as aforesaid shall be a Debt to Her Majesty, and may be recovered in any of Her Majesty's Courts at *Westminster*, or in *Dublin*, or the Court of Exchequer in *Scotland*, or in any Court in Her Majesty's Colonies where the Person sentenced by such Court-martial shall be resident, after the said Judgment shall be confirmed and made known; and every Officer sentenced to be transported as a Felon, when such Sentence shall be duly confirmed, shall thereupon cease to belong to Her Majesty's Service, and for ever be incapable of serving Her Majesty in any Military Capacity.

Execution of Sentences of Transportation in the United Kingdom.

XXIII. And be it enacted, That whenever Her Majesty shall intend that any Sentence of Transportation heretofore or hereafter passed upon any Offender by any Court-martial shall be carried into execution for the Term specified in such Sentence or for any shorter Term, or shall be graciously pleased to commute as aforesaid to Trans-

Transportation any Sentence of Death passed by any such Court, the Sentence, together with Her Majesty's Pleasure thereupon, shall be notified in Writing by the Officer commanding in chief Her Majesty's Forces in *Great Britain* and *Ireland*, or in the temporary Absence of such Officer by the Adjutant General, or when there shall not be any Commander-in-Chief of Her Majesty's Forces in *Great Britain* and *Ireland*, then by the Secretary at War or his Deputy, to any Judge of the Queen's Bench, Common Pleas, or Exchequer in *England* or *Ireland*, and thereupon such Judge shall make an Order for the Transportation of such Offender in conformity with such Notification, and shall also do all such other Acts consequent upon such Notification as such Judge is authorized to do by any Act in force touching the Transportation of other Offenders; and the Person in whose Custody such Offender shall at that Time be, and all other Persons whatsoever whom the said Order may concern, shall be bound to obey and shall be assistant in the Execution thereof, and shall be liable to the same Punishment for Disobedience, or for interrupting the Execution of such Order, as if the Order had been made under the Authority of any such Act as aforesaid; and every Person so ordered to be transported shall be subject to every Provision made by Law and in force concerning Persons convicted of any Crime and under Sentence of Transportation; and from the Time when such Order of Transportation shall be made every Act in force touching the Escape of Felons, or their afterwards returning or their being at large without Leave, shall apply to such Offender, and to all Persons aiding and abetting, contriving or assisting in any Escape or intended Escape or returning without Leave of any such Offender; and the Judge who shall make any Order of Transportation as aforesaid shall direct the Notification of Her Majesty's Pleasure, and his own Order made thereupon, to be filed and kept of Record in the Office of the Clerk of the Crown of the Court of Queen's Bench; and the said Clerk shall have a Fee of Two Shillings and Sixpence only for filing the same, and shall, on Application, deliver a Certificate in Writing (not taking more than Two Shillings and Sixpence for the same) to such Offender, or to any Person applying in his or Her Majesty's Behalf, showing the Christian and Surname of such Offender, his Offence, the Place where the Court was held before whom he was convicted, and the Conditions on which the Order of Transportation was given; which Certificate shall be sufficient Proof of the Conviction and Sentence of such Offender, and also of the Terms on which such Order for his Transportation was given in any Court and in any Proceeding wherein it may be necessary to inquire into the same.

In the Colonies.

XXIV. And be it enacted, That whenever any Sentence of Transportation heretofore or hereafter passed upon any Offender by any Court

Court-martial holden in the *East Indies*, or in any Part of Her Majesty's Foreign Dominions, is to be carried into execution for the Term specified in such Sentence or for any shorter Term, or when Sentence of Death has been or shall as aforesaid be commuted to Transportation, the same shall be notified by the Officer commanding Her Majesty's Forces at the Presidency or Station, or in his Absence by the Adjutant General for the Time being, to some Judge of one of the Supreme Courts of Judicature in the *East Indies*, or Chief Justice, or some other Judge, as the Case may be, in any Part of Her Majesty's Foreign Dominions, who shall make Order for the Transportation or intermediate Custody of such Offender, in like Manner as for the Transportation or intermediate Custody of any other Convict; and upon any such Order being made it shall be duly notified to the Governor of the Presidency if in the *East Indies*, or to the Governor of the Colony if in any of Her Majesty's Colonies, or to the Person who shall for the Time being be exercising the Office of Governor of such Presidency or Colony, who, on Receipt of such Notification, shall cause such Offender to be removed to some Colony or Place in obedience to the Directions for the Removal of Convicts which shall from Time to Time be transmitted from Her Majesty through one of Her Principal Secretaries of State to such Presidency or Colony; and such Offender on being so removed shall undergo the Sentence of Transportation which has been passed upon him in the Colony or Place to which he has been so removed or sent, and whilst such Sentence shall remain in force shall be liable to be there imprisoned, and kept to hard Labour, and otherwise dealt with under such Sentence in the same Manner as if he had been sentenced to be imprisoned, with hard Labour, during the Term of his Transportation, by the Judgment of a Court of competent Jurisdiction in the Colony or Place to which he has been so removed or sent.

Power to inflict Corporal Punishment.

XXV. And be it enacted, That any Court-martial may sentence any Soldier to Corporal Punishment not extending to Life or Limb for Immorality, Misbehaviour, or Neglect of Duty; provided that no such Sentence of Corporal Punishment exceed Fifty Lashes.

Power to inflict Corporal Punishment and Imprisonment.

XXVI. And be it enacted, That it shall be lawful for any General, District, or Garrison Court-martial, in addition to any Sentence of Corporal Punishment, to award Imprisonment, with or without hard Labour, and with or without solitary Confinement.

Power to commute Corporal Punishment.

XXVII. And be it enacted, That in all Cases in which Corporal Punishment shall form the whole or any Part of the Sentence awarded by any Court-martial it shall be lawful for Her Majesty, or for the General or other Officer authorized to confirm the Sentences of Courts-martial, to commute such Corporal Punishment to Imprison-

ment,

ment, either solitary or with or without hard Labour, for any Period not exceeding Forty-two Days, or to mitigate such Sentence by awarding Imprisonment, either solitary or with or without hard Labour, for any Period not exceeding Twenty Days, and Corporal Punishment, to be inflicted in the Prison, not exceeding Twenty-five Lashes; provided that such Commutation of Punishment to solitary Confinement shall in no Case exceed the Period herein-after prescribed.

Forfeiture of Pay and Pension by Sentence of Court-martial.

XXVIII. And be it enacted, That any General Court-martial may, in addition to any other Punishment which it may be competent to award, sentence any Offender to Forfeiture of all Advantage as to additional Pay, and Pension on Discharge, which might have otherwise accrued from the Length of his former Service, or to Forfeiture of such Advantage absolutely, whether it might have accrued from past Service or might accrue from future Service, according to the Nature of the Case; and that any District or Garrison Court-martial may also, in addition to any Sentence which such Court may award, sentence any Offender to such Forfeiture for Desertion or for disgraceful Conduct,

In wilfully maiming or injuring himself or any other Soldier, whether at the Instance of such other Soldier or not, with Intent to render himself or such other Soldier unfit for Service:

In tampering with his Eyes, with Intent thereby to render himself unfit for Service:

In wilfully doing any Act, or wilfully disobeying any Orders, whether in Hospital or otherwise, thereby producing or aggravating Disease or Infirmity, or delaying his Cure:

In malingering or feigning Disease:

In stealing or embezzling Government Stores, or in receiving them knowing them to have been stolen:

In stealing any Money or Goods, the Property of a Comrade, of a Military Officer, or of any Military or Regimental Mess or Band, or in receiving any such Money or Goods knowing the same to have been stolen:

In making any false or fraudulent Accounts, Returns, Matters, or Entries, or assisting or conniving at the same being made, or producing the same as true, knowing the same to be false or fraudulent:

In stealing or embezzling or fraudulently misapplying public Money intrusted to him:

Or in committing any Offence of a felonious or fraudulent Nature, to the Injury of or with Intent to injure any Person, Civil or Military:

Or for any other disgraceful Conduct, being of a cruel, indecent, or unnatural Kind.

XXIX. And

Mutiny.

XXIX. And be it enacted, That every Soldier who shall be found guilty of Desertion by a Court-martial, such Finding having been duly approved, or of Felony in any Court of ordinary Criminal Jurisdiction in *England* or *Ireland*, or of any Crime or Offence in any Court of Criminal Judicature in any Part of the United Kingdom, or in any Dominion, Territory, Colony, Settlement, or Island belonging to or occupied by Her Majesty out of the United Kingdom, which would, if committed therein, amount to Felony, shall thereupon forfeit all Advantage as to additional Pay, Good-conduct Pay, and to Pension on Discharge, which might have otherwise accrued from the Length of his former Service, in addition to any Punishment which such Court may award.

Forfeiture of Pay on Conviction of Desertion or Felony.

XXX. And be it enacted, That if any Non-commissioned Officer or Soldier by reason of his Imprisonment, whether under Sentence of a Court-martial or of any other Court duly authorized to pass such Sentence, or by reason of his Confinement for Debt, or by reason of his Desertion, or being an Apprentice by reason of his being allowed to serve out his Time with his Master, shall have been absent from his Duty during any Portion of the Time limited by his Enlistment or Re-engagement or Prolongation of Service as herein-after provided, such Portion of his Time shall not be reckoned as a Part of the limited Service for which such Non-commissioned Officer or Soldier was enlisted or re-engaged, or for which his Term of Service may have been prolonged, and no Soldier shall be entitled to Pay, or to reckon Service towards Pay or Pension, when in Confinement under a Sentence of any Court, or during any Absence from Duty by Commitment or Confinement under any Charge of which he shall be afterwards convicted, either by Court-martial or by any Court of ordinary Criminal Jurisdiction, or whilst in arrest for Debt; and that when any Soldier shall be absent as a Prisoner of War he shall not be entitled to Pay, or to reckon Service towards Pay or Pension, for the Period of such Absence; but upon rejoining Her Majesty's Service due Inquiry shall be made by a Court-martial, and unless it shall be proved to the Satisfaction of such Court that the said Soldier was taken Prisoner through wilful Neglect of Duty on his Part, or that he had served with or under, or in some Manner aided the Enemy, or that he had not returned as soon as possible to Her Majesty's Service, he may thereupon be recommended by such Court to receive either the whole of such Arrears of Pay or a Proportion thereof, and to reckon Service during his Absence; and that any Soldier who shall be convicted of Desertion, or of Absence without Leave, shall, in addition to any Punishment awarded by the Court, forfeit his Pay for the Day or Days during which he was in a State of Desertion or

Forfeiture of Pay when in Confinement under Sentence;

or during Absence on Commitment under a Charge, or in arrest for Debt;

or when Prisoner of War;

or when convicted of Desertion, or of Absence without Leave,

or when absent without Leave, not exceeding Five Days.

or during his Absence without Leave; and if any Soldier shall absent himself without Leave for any Period not exceeding Five Days, and shall not account for the same to the Satisfaction of the Commanding Officer, or if any Soldier shall be guilty of any other Offence which the Commanding Officer may not think necessary to bring before a Court-martial, the Commanding Officer may order that such Soldier shall be imprisoned for any Period not exceeding One hundred and sixty-eight Hours, with or without hard Labour, or with or without solitary Confinement, as the said Commanding Officer may think fit, and such Soldier shall forfeit his Pay for any Day or Days on which he may be so imprisoned; and the said Commanding Officer may moreover order that, in addition to or instead of such Imprisonment and Forfeiture, or any other Punishment which he has Authority to inflict, any Soldier who shall have so absented himself as aforesaid shall forfeit his Pay for the Day or Days on which he shall have so absented himself, and in pursuance of any such Order as aforesaid the Pay of the Soldier shall be accordingly forfeited: Provided always, that such Soldier shall not be liable to be afterwards tried by a Court-martial for any Offence for which he shall have been so punished, ordered to suffer Imprisonment, Punishment, or Forfeiture as aforesaid: Provided also, that any Soldier who shall be so ordered to suffer Imprisonment or Forfeiture of Pay shall, if he so request, have a Right to be tried by a Court-martial for his Offence, instead of submitting to such Imprisonment or Forfeiture: Provided also, that it shall be lawful for Her Majesty's Secretary at War to order or withhold the Payment of the whole or any Part of the Pay of any Officer or Soldier during the Period of Absence by any of the Causes aforesaid.

Forfeiture of Pay for Drunkenness on Duty.

XXXI. And be it enacted, That any Court martial may sentence any Soldier for being drunk when on or for Duty or Parade or on the Line of March, to be deprived of a Penny a Day of his Pay for any Period not exceeding Thirty Days, in addition to any other Punishment which such Court may award.

Forfeiture of Pay and Liquor for habitual Drunkenness.

XXXII. And be it enacted, That any General, Garrison, or District Court-martial, before which any Soldier shall be convicted of habitual Drunkenness, shall, in addition to any other Punishment which such Court is competent to award, deprive such Soldier of such Portion of his Pay, for such Period, not exceeding Two Years, and under such Restrictions and Regulations, as may accord with Her Majesty's Articles of War, subject to Restoration on subsequent good Conduct; and after any other Punishment which the Court may award, every Regimental or Detachment Court-martial shall deprive a Soldier,

Soldier, convicted of a Charge of habitual Drunkenness, of such Portion of his additional or regular Pay, for such Period, not exceeding Six Months, and under such Restrictions and Regulations, as may accord with Her Majesty's Articles of War, subject to Restoration on subsequent good Conduct: Provided always, that a Soldier so sentenced to the Forfeiture of Pay, who shall be quartered at or removed to a Station where Liquor forms Part of his Ration and is issued in Kind, shall be deprived of his Liquor in Kind instead of being deprived of One Penny of his daily Pay for so long a Time as he shall remain at such Station, and such Sentence of Forfeiture of Pay shall remain in force.

Stoppages.

XXXIII. And be it enacted, That, in addition to any other Punishment which the Court may award, a Court-martial may further direct that any Offender may be put under Stoppages until he shall have made good—

Any Loss or Damage occasioned by him in any of the Instances of disgraceful Conduct herein-before specified:

Any Loss or Destruction of, or Damage or Injury to, any Property whatsoever, occasioned by his wilful or negligent Misconduct:

Any Loss or Destruction of, or Damage or Injury to, his Horse or to the Horse of any other Soldier, or any Loss or Destruction of, or Damage or Injury to, his Arms, Clothing, Instruments, Equipments, Accoutrements, or Regimental Necessaries, or any Loss or Destruction of, or Damage or Injury to, the Arms, Clothing, Instruments, Accoutrements, or Regimental Necessaries of any other Soldier, occasioned by his wilful or negligent Misconduct:

Any Expense necessarily incurred by his Drunkenness or other Misconduct:

Provided always, that, except in the Case of the Loss or Destruction of Accoutrements and Regimental Necessaries, in which Case the Court may by its Sentence direct that the said Stoppages shall continue till the Cost of replacing the same be made good, the Amount of any Loss, Destruction, Damage, or Injury, or Expense, shall be ascertained by Evidence, and the Offender shall be placed under Stoppages for such an Amount only as shall be proved to the Satisfaction of the Court: Provided also, that after satisfying the Charges for his Messing and Washing, so much only of the Pay of the Soldier may be stopped and applied as shall leave him a Residue at the least of One Penny a Day.

Discharge with Ignominy.

XXXIV. And be it enacted, That whenever any Soldier shall have been convicted of any such disgraceful Conduct, and the Court in respect thereof shall have made the Forfeiture of all Claim to Pension on Discharge a Part of the Sentence passed on such Soldier, such

Court may further recommend that he be discharged with Ignominy from Her Majesty's Service.

Marking Deserters.

XXXV. And be it enacted, That on the first and on every subsequent Conviction of Desertion, the Court-martial, after awarding such Punishment as it may think fit, may order the Offender to be marked on the Left Side, Two Inches below the Arm-pit, with the Letter D, such Letter not to be less than an Inch long, and to be marked upon the Skin with some Ink or Gunpowder, or other Preparation, so as to be visible and conspicuous, and not liable to be obliterated.

Power of Imprisonment by different Kinds of Courts-martial.

XXXVI. And be it enacted, That a General, Garrison, or District Court-martial may sentence any Soldier to Imprisonment, with or without hard Labour, and may also direct that such Offender shall be kept in solitary Confinement for any Portion or Portions of such Imprisonment not exceeding Fourteen Days at a Time, nor Eighty-four Days in any One Year, with Intervals between the Periods of solitary Confinement of not less Duration than such Periods; and that any Regimental or Detachment Court-martial may sentence any Soldier to Imprisonment, with or without hard Labour, for any Period not exceeding Forty-two Days, and may also direct that such Soldier may be kept in solitary Confinement for any Portion or Portions of such Imprisonment, not exceeding Fourteen Days at a Time, with an Interval between them of not less Duration than such Periods of solitary Confinement; provided that when any Court-martial, whether General, Garrison, or District or Regimental, shall direct that the Imprisonment shall be solitary only, the Periods shall in no Case exceed Fourteen Days.

Imprisonment of Offenders already under Sentence for a previous Offence.

XXXVII. And be it enacted, That whenever Sentence shall be passed by a Court martial on a Person already imprisoned under Sentence of a Court-martial for any former Offence, it shall be lawful for the Court to award Imprisonment for the subsequent Offence to commence at the Expiration of the Imprisonment to which such Person shall have been previously sentenced, and where such Person shall be already under Sentence, either of Imprisonment or Transportation, the Court, if empowered to pass Sentence of Transportation, may award such Sentence for the subsequent Offence to commence at the Expiration of the Imprisonment or Transportation to which such Persons shall have been previously sentenced, although the aggregate of the Terms of Imprisonment or Transportation respectively may exceed the Term for which either of those Punishments would be otherwise awarded.

XXXVIII. And

XXXVIII. And be it enacted, That, save as herein-before specially provided, every Term of Imprisonment under the Sentence of a Court-martial, whether original or revised, shall be reckoned as commencing on the Day on which the original Sentence and Proceedings shall have been signed by the President; and the Place of Imprisonment under the Sentences of General Courts-martial shall be appointed by the Officer commanding the District, Garrison, Island, or Colony, and under the Sentence of any other Court-martial shall be appointed by the Officer confirming the Proceedings of such Court-martial, and in default of such Appointment then the Place of Imprisonment shall be appointed by the Officer commanding the Regiment or Corps to which the Offender belongs or is attached.

Term and Place of Imprisonment.

XXXIX. And be it enacted, That it shall be lawful for the Secretary at War to set apart any Buildings now erected or which may hereafter be erected, or any Part or Parts thereof, as Military Prisons, and to declare that any Building, or any Two or more separate and detached Buildings, shall be, and thenceforth such Building or Buildings shall be deemed and taken to be, a Military Prison; and every Military Prison, whether the same now exist or may hereafter be established, which shall be, or which under the Provisions of any former Act of Parliament have been, so as aforesaid set apart or declared, shall be deemed to be a public Prison within the Meaning of this Act; and all and every the Powers and Authorities with respect to County Gaols or Houses of Correction which now are or which may hereafter be vested in any of Her Majesty's Principal Secretaries of State shall, with respect to all such Military Prisons, belong to and may be exercised by the Secretary at War; and it shall be lawful for the Secretary at War from Time to Time to make, alter, and repeal Rules and Regulations for the Government and Superintendence of any such Military Prison, and of the Governor, Provost Marshal, Officers, and Servants thereof, and of Offenders confined therein; and it shall be lawful for the Secretary at War from Time to Time to appoint an Inspector General and Inspectors of Military Prisons, and a Governor or Provost Marshal, and all other necessary Officers and Servants for any such Military Prison, and, as Occasion may arise, to remove the Governor or Provost Marshal, Officer or Servant of any such Military Prison; and the General or other Officer commanding any District or Foreign Station within which may be any such Military Prison, or such General or other Officer, and such other Person and Persons as the Secretary at War may from Time to Time appoint, shall be a Visitor or Visitors of such Prison; and the Secretary at War may authorize any General Officer commanding on a Foreign Station to appoint periodically Visitors to any Military Prison within his Command; and

Military Prisons.

and the Secretary at War shall transmit to the Visitor or Visitors of every Military Prison established by his Authority a Copy of the Rules and Regulations which are to be observed and enforced, and the same shall accordingly be observed and enforced within such Prison; and every Inspector, Visitor, and Governor of any such Military Prison respectively shall, subject to such Rules and Regulations as may from Time to Time be made by the Secretary at War, have and exercise in respect of such Prison, and of the Governors, Officers, and Servants thereof, and of the Prisoners confined therein, all the Powers and Authorities, as well in respect of administering Oaths as otherwise, which any Inspector, Visiting Justice, or Governor of a County Gaol or House of Correction may respectively exercise as such.

Custody of Prisoners under Military Sentence in Common Gaols.

XL. And be it enacted, That every Governor, Provost Marshal, Gaoler, or Keeper of any public Prison or of any Gaol or House of Correction in any Part of Her Majesty's Dominions shall receive into his Custody any Military Offender under Sentence of Imprisonment by a General or other Court-martial, upon Delivery to him of an Order in Writing in that Behalf from the Officer commanding the Regiment or Corps to which the Offender belongs or is attached, which Order shall specify the Period of Imprisonment which the Offender is to undergo, and the Day and Hour of the Day on which he is to be released; and such Governor, Provost Marshal, Gaoler, or Keeper shall keep such Offender in a proper Place of Confinement, with or without hard Labour, and with or without solitary Confinement, according to the Sentence of the Court and during the Time specified in the said Order, or until he be discharged or delivered over to Military Custody before the Expiration of that Time under an Order duly made for that Purpose; and whenever Troops are called out in aid of the Civil Power, or are stationed in Billets, or are on the Line of March, every Governor, Provost Marshal, Gaoler or Keeper of any public Prison, Gaol, House of Correction, Lock-up House, or other Place of Confinement, shall receive into his Custody any Soldier for a Period not exceeding Seven Days, upon Delivery to him of an Order in Writing on that Behalf from the Officer commanding such Troops.

Proviso for Removal of Prisoners.

XLI. And be it enacted, That in the Case of a Prisoner undergoing Imprisonment under the Sentence of a Court-martial in any public Prison other than the Military Prisons set apart by the Authority of this Act, or in any Gaol or House of Correction in any Part of Her Majesty's Dominions, it shall be lawful for the Officer who confirmed the Proceedings of the Court, or for the Officer commanding the District, Garrison, Island, or Colony, to give,

give, as often as Occasion may arise, an Order in Writing directing that the Prisoner be discharged, or be delivered over to Military Custody, whether for the Purpose of being removed to some other Prison or Place, there to undergo the Remainder or any Part of his Sentence, or for the Purpose of being brought before a Court-martial either as a Witness or for Trial; and such Prisoner shall accordingly, on the Production of such Order, be discharged or be delivered over, as the Case may be: Provided also, that the Time during which any Prisoner under Sentence of Imprisonment by a Court-martial shall be detained in Military Custody shall be reckoned as Imprisonment under the Sentence, for whatever Purpose such Detention shall take place.

Their Subsistence in Common Gaols.

XLII. And be it enacted, That the Gaoler or Person having the immediate Inspection of any public Prison, Gaol, House of Correction, Lock-up House, or other Place of Confinement in any Part of Her Majesty's Dominions, shall diet and supply every Soldier imprisoned by the Sentence of a Court-martial or as a Deserter with Fuel and other Necessaries according to the Regulations of such Place of Confinement, and shall receive on account of every Soldier, during the Period of his Imprisonment, Sixpence *per Diem*, which the Secretary at War shall cause to be issued out of the Subsistence of such Soldier, upon Application in Writing signed by any Justice within whose Jurisdiction such Place of Confinement shall be locally situated, together with a Copy of the Order of Commitment, and which Sum of Sixpence *per Diem* shall be carried to the Credit of the Fund from which the Expense of such Place of Confinement is defrayed.

Expiration of Imprisonment in Common Gaols.

XLIII. And be it enacted, That every Gaoler, or Person having the immediate Inspection of any public Prison, Gaol, House of Correction, or other Place of Confinement, to whom any Notice shall have been given, or who shall have Reason to believe or to know, that any Person in his Custody for any Offence, Civil or Military, is a Soldier liable to serve Her Majesty on the Expiration of his Imprisonment, shall give, if in *Great Britain*, to the Secretary at War, and if in *Ireland* to the General commanding Her Majesty's Forces in *Ireland*, One Month's Notice of the Period of such Expiration of Imprisonment, or if there shall not be sufficient Time for a Month's Notice then the longest practicable Notice thereof.

Musters and Punishment for false Musters.

XLIV. And be it enacted, That Musters shall be taken of every Regiment, Troop, or Company in Her Majesty's Service, twice at least in every Year, at such Times as shall be appointed; and no Soldier shall be absent from such Musters unless properly certified to be employed on some other Duty of the Regiment, or to be sick, or in Prison, or on Furlough; and every Officer who shall make any

 false

false or untrue Muster of Man or Horse, or shall wittingly or willingly allow or sign the Muster Roll wherein such false Muster is contained, or any Duplicate thereof, or who shall directly or indirectly take or cause to be taken any Money or Gratuity for mustering any Soldiers, or for signing any Muster Rolls or Duplicates thereof, or shall knowingly muster any Person by a wrong Name, upon Proof thereof upon Oath made by Two Witnesses before a General Court-martial, shall for such Offence be forthwith cashiered, and shall be thereby utterly disabled to have or hold any Civil or Military Office or Employment within the United Kingdom of *Great Britain* and *Ireland*, or in Her Majesty's Service.

Trials for Desertion after subsequent Re-enlistment.

XLV. And be it enacted, That every Soldier shall be liable to be tried and punished for Desertion from any Corps into which he may have enlisted, or from Her Majesty's Service, although he may of right belong to the Corps from which he shall have originally deserted; and whether such Soldier shall be tried for deserting from the Corps into which he originally enlisted, or for deserting from the same Corps into which he may have subsequently enlisted, or for any other Desertion, every Desertion previous or subsequent to that for which he may be so tried may, if duly stated in the Charges, be given in Evidence against him on such Trial.

Apprehension of Deserters in the United Kingdom.

XLVI. And be it enacted, That upon reasonable Suspicion that a Person is a Deserter it shall be lawful for any Constable, or if no Constable can be immediately met with then it shall be lawful for any Officer or Soldier in Her Majesty's Service, to apprehend or cause such suspected Person to be apprehended, and to bring or cause him to be brought before any Justice living in or near such Place, and acting for the County or Borough wherein such Place is situate, or for the County adjoining such first-mentioned County or such Borough; and such Justice is hereby authorized and required to inquire whether such suspected Person is a Deserter, and if it shall appear by the Testimony of One or more Witnesses, taken upon Oath, or by the Confession of such suspected Person, or by the Knowledge of such Justice, or by Evidence sufficient to satisfy such Justice that there are reasonable Grounds for believing, that such suspected Person is a Deserter, such Justice shall forthwith cause him to be conveyed in Civil Custody to the Head Quarters or Depôt of the Regiment to which he belongs, if stationed within Five Miles of the Place of Apprehension, or if such Head Quarters or Depôt shall not be stationed within Five Miles, then to the nearest or most convenient public Prison (other than a Military Prison set apart under the Authority of this Act) or Police Station legally provided as a Lock-up House for temporary Confinement of Persons taken into Custody, whether such Prison or Police Station be in the County or Borough in which such suspected Person

was

was apprehended or in which he was committed or not; or if the Deserter shall have been apprehended by a Party of Soldiers of his own Regiment in charge of a Commissioned Officer, such Justice may deliver him up to such Party, unless the Officer shall deem it necessary to have the Deserter committed to Prison for safe Custody; and such Justice shall transmit an Account thereof, in the Form prescribed in the Schedule annexed to this Act, to the Secretary at War, specifying therein whether such Deserter was delivered to his Regiment or to the Party of his Regiment in order for his being taken to the Head Quarters or Depôt of his Regiment, or whether such Deserter was committed to Prison, to the end that the Person so committed may be removed by an Order from the Office of the said Secretary at War, and proceeded against according to Law; and such Justice shall also send to the Secretary at War a Report, stating the Names of the Persons by whom the Deserter was apprehended and secured; and the Secretary at War shall transmit to such Justice an Order for the Payment to such Persons of such Sum not exceeding Forty Shillings as the Secretary at War shall be satisfied they are entitled to, according to the true Intent and Meaning of this Act; and for such Information, Commitment, and Report as aforesaid the Clerk of the said Justice shall be entitled to a Fee of Two Shillings and no more; and every Gaoler and other Person into whose Custody any Person charged with Desertion is committed shall immediately upon the Receipt of the Person so charged into his Custody pay such Fee of Two Shillings, and also upon the Production of a Receipt from the Medical Practitioner who may have been required to examine such suspected Person a Fee of Two Shillings and Sixpence, and shall notify the Fact to the Secretary at War, and transmit also to the Secretary at War a Copy of the Commitment, to the end that such Secretary at War may order Repayment of the same; and that when any Person shall be apprehended and committed as a Deserter in any of Her Majesty's Colonies the Justice shall forthwith cause him to be conveyed to some public Prison, if the Regiment to which he is suspected to belong shall not be in the Colony, or, if the Regiment be in the Colony, the Justice may, if within reasonable Distance, deliver him into Custody at the nearest Military Post, although the Regiment to which such Person is suspected to belong may not be stationed at such Military Post; and such Justice shall in every Case transmit to the General or other Officer commanding in the Colony a Description Return in the Form prescribed, to the end that such Person may be removed by Order of such Officer, and proceeded against according to Law.

In the Colonies.

XLVII. And be it enacted, That every Gaoler, or Person having the immediate Inspection of any public Prison, Gaol, House of Correction,

Temporary Custody of Deserters in Gaols.

rection, Lock-up House, or other Place of Confinement in any Part of Her Majesty's Dominions, is hereby required to receive and confine every Deserter who shall be delivered into his Custody by any Soldier conveying such Deserter under lawful Authority, on Production of the Warrant of the Justice of the Peace on which such Deserter shall have been taken, or some Order from the Office of the Secretary at War, which Order shall continue in force until the Deserter shall have arrived at his Destination; and such Gaoler or Person shall be entitled to One Shilling for the safe Custody of the said Deserter while halted on the March, and to such Subsistence for his Maintenance as shall be directed by Her Majesty's Regulations.

Desertion of Recruits.

XLVIII. And be it enacted, That any Recruit who shall desert prior to joining the Regiment for which he has enlisted shall, on being apprehended, and committed for such Desertion by any Justice of the Peace upon the Testimony of One or more Witnesses upon Oath, or upon his own Confession, be liable to be transferred to any Regiment or Depôt nearest to the Place where he shall have been apprehended, or to any other Regiment to which Her Majesty may deem it more desirable that he should be transferred: Provided always, that all Cavalry Recruits so committed for Desertion shall be transferred to Cavalry Regiments, and Infantry Recruits to Infantry Regiments; and that such Deserters thus transferred shall not be liable to other Punishment for the Offence, or to any other Penalty, except the Forfeiture of their personal Bounty, reserving only for them that Part of the Bounty which is applicable to and required for the Provision of Necessaries.

Fraudulent Confession of Desertion.

XLIX. And be it enacted, That any Soldier who, while serving in any of Her Majesty's Forces, or the Embodied Militia, or the Forces of the *East India* Company, shall to any Officer or Non-commissioned Officer fraudulently confess himself to be a Deserter, shall be liable to be tried by Court-martial, and that any Person who shall voluntarily deliver himself up and confess himself to be a Deserter from Her Majesty's Forces, or the Embodied Militia, or the Forces of the *East India* Company, or who, upon being apprehended for any Offence, shall, in the Presence of the Justice, confess himself to be a Deserter as aforesaid, shall be deemed to have duly enlisted and to be a Soldier, and shall be liable to serve in any of Her Majesty's Forces, as Her Majesty shall think fit to appoint, whether such Person shall have been actually enlisted as a Soldier or not; or in case such Person shall not be a Deserter as aforesaid, he shall be liable to be taken before Two Justices of the Peace, and on Proof that any such Confession as aforesaid was false, shall by them be adjudged to be punished, if in *England*, as a Rogue

Rogue and Vagabond, and if in *Scotland* or *Ireland* by Commitment to some Prison or House of Correction, there to be kept to hard Labour for any Time not exceeding Three Months, or be deemed guilty of obtaining Money under false Pretences within the true Intent and Meaning, if in *England*, of an Act passed in the Seventh and Eighth Years of His Majesty King *George* the Fourth, intituled *An Act for amending and consolidating the Laws in* England *relative to Larceny and other Offences connected therewith*, and if in *Ireland*, of an Act passed in the Ninth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for consolidating and amending the Laws in* Ireland *relative to Larceny and other Offences connected therewith*, or shall be deemed guilty, if in *Scotland*, of Falsehood, Fraud, and wilful Imposition; and every Person so deemed to be guilty of obtaining Money under false Pretences, or of Falsehood, Fraud, and wilful Imposition, as the Case may be, shall be liable to be proceeded against and punished accordingly; and the Confession and receiving Subsistence as a Soldier by such Person shall be Evidence of the false Pretence, or of the Falsehood, Fraud, and Imposition, as the Case may be, and of the obtaining Money to the Amount of the Value of such Subsistence, and the Value of such Subsistence so obtained may be charged in the Indictment as so much Money received by such Person; and in case such Person shall have been previously convicted of the like Offence, or shall have been summarily convicted and punished, in *England* as a Rogue and Vagabond, or in *Scotland* or *Ireland* by Commitment, for making a fraudulent Confession of Desertion, such former Conviction may be alleged in the Indictment, and may be proved upon the Trial of such Person; and in such Indictment for a Second Offence it shall be sufficient to state that the Offender was at a certain Time and Place convicted of obtaining Money under false Pretences as a Deserter, or for making a fraudulent Confession of Desertion, without otherwise describing the said Offence; and a Certificate containing the Substance and Effect only (omitting the formal Part) of the Indictment and Conviction for the former Offence, purporting to be signed by the Clerk of the Court or other Officer having the Custody of the Records of the Court where the Offender was first convicted, or by the Deputy of such Clerk, or by the Clerk of the convicting Magistrates, shall, upon Proof of the Identity of the Person of the Offender, be sufficient Evidence of the first Conviction, without Proof of the Signature or official Character of the Person appearing to have signed the same; and if the Person so confessing himself to be a Deserter shall be serving at the Time in any of Her Majesty's Forces, he shall be deemed to be and shall be dealt with by all Justices and Gaolers as a Deserter.

7 & 8 G. 4. c. 29.

9 G. 4. c. 55.

Extension of Furlough in case of Sickness.

L. And be it enacted, That when there shall not be any Military Officer of Rank not inferior to Captain, or any Adjutant of Regular Militia, within convenient Distance of the Place where any Non-commissioned Officer or Soldier on Furlough shall be detained by Sickness or other Casualty rendering necessary any Extension of such Furlough, it shall be lawful for any Justice who shall be satisfied of such Necessity to grant an Extension of Furlough for a Period not exceeding One Month; and the said Justice shall by Letter immediately certify such Extension and the Cause thereof to the Commanding Officer of the Corps or Detachment to which such Non-commissioned Officer or Soldier belongs, if known, and if not, then to the Agent of the Regiment, in order that the proper Sum may be remitted to such Non-commissioned Officer or Soldier, who shall not during the Period of such Extension of Furlough be liable to be treated as a Deserter: Provided always, that nothing herein contained shall be construed to exempt any Soldier from Trial and Punishment, according to the Provisions of this Act, for any false Representation made by him in that Behalf to the said Justice, or for any Breach of Discipline committed by him in applying for and obtaining the said Extension of Furlough.

No Person acquitted or convicted by the Civil Magistrate, or by a Jury, to be tried by Court-martial for the same Offence.

LI. And be it enacted, That no Person having been acquitted or convicted of any Crime or Offence by the Civil Magistrate, or by the Verdict of a Jury, shall be liable to be again tried for the same Crime or Offence by a Court-martial, or punished for the same, otherwise than by cashiering; and that whenever any Officer or Soldier shall have been tried by any Court of ordinary Criminal Jurisdiction, the Clerk of such Court or other Officer having the Custody of the Records of such Court, or the Deputy of such Clerk, shall, if required by the Officer commanding the Regiment to which such Officer or Soldier shall belong, transmit to him a Certificate, containing the Substance and Effect only of the Indictment, omitting the formal Part, and containing also a Copy of the Entry of the Judgment of the Court thereon if such Officer or Soldier shall have been convicted, or of the Acquittal of such Officer or Soldier, and shall be allowed for such Certificate a Fee of Three Shillings.

Soldiers not to be taken for Debts under 30*l.*

LII. And be it enacted, That no Person whatever enlisted into Her Majesty's Service as a Soldier shall be liable to be arrested or taken therefrom, by reason of the Warrant of any Justice or other Process, for not supporting, or for leaving chargeable on any Parish, Township, or Union, any Wife or any Child or Children, legitimate or illegitimate, or (except in the Case of an Apprentice) on account of any Breach of Contract or Engagement to serve or work for any Employer; and no Person enlisted as a Soldier or serving as a Non-commissioned Officer

or

or Drummer on the permanent Staff of the disembodied Militia shall be liable to be taken out of Her Majesty's Service by any Process, Order, or Execution issued out of or from any County or inferior Court, or by any Judge or Officer thereof, either for Contempt of Court or otherwise, or by any Process or Execution whatsoever, other than for some Criminal Matter, unless an Affidavit shall be made by the Plaintiff or some one on his Behalf, for which no Fee shall be taken, before some Judge of the Court out of which such Process or Execution shall issue, or before some Person authorized to take Affidavits in such Courts, of which Affidavit a Memorandum shall, without Fee, be endorsed upon the Back of such Process, that the original Debt for which the Action has been brought or Execution sued out amounts to the Value of Thirty Pounds at least, over and above all Costs of Suit in the Action or Actions on which the same shall be grounded; and any Judge of such Court may examine into any Complaints made by a Soldier, or by his Superior Officer, and by Warrant under his Hand discharge such Soldier without Fee, he being shown to have been arrested contrary to the Intent of this Act, and shall award reasonable Costs to such Complainant, who shall have for the Recovery thereof the like Remedy as would have been applicable to the Recovery of any Costs which might have been awarded against the Complainant in any Judgment or Execution as aforesaid, or a Writ of Habeas corpus ad subjiciendum shall be awarded or issued, and the Discharge of any such Soldier out of Custody shall be ordered thereupon; provided that any Plaintiff, upon Notice of the Cause of Action first given in Writing to any Soldier, or left at his last Quarters, may proceed in any Action or Suit to Judgment, and have Execution other than against the Body.

Officers not liable to take Parish Apprentices.

LIII. And be it enacted, That no Officer of Her Majesty's Forces residing in Barracks or elsewhere under Military Law shall be deemed liable to have any Parish poor Child bound Apprentice to him.

Officers not to be Sheriffs or Mayors.

LIV. And be it enacted, That no Person who shall be commissioned and in Full Pay as an Officer shall be capable of being nominated or elected to be Sheriff of any County or other Place, or to be Mayor, Portreeve, Alderman, or shall be capable of holding any Office in any Municipal Corporation in any City, Borough, or Place in *Great Britain* or *Ireland*.

Enlisting and swearing of Recruits.

LV. And be it enacted, That every Person who shall receive Enlisting Money, knowing it to be such, from any Person employed in the Recruiting Service, and being an Officer, Non-commissioned Officer, an attested Soldier, or an Out-Pensioner of *Chelsea* Hospital authorized to enlist Recruits, shall be deemed to be enlisted as a Soldier in Her Majesty's Service, and while he shall remain with the Recruiting Party shall be entitled to be billeted; and every Person who

who shall enlist any Recruit shall first ask the Person offering to enlist whether he does or does not belong to the Militia, and shall within Twelve Hours after the Receipt of the Enlisting Money cause to be taken down in Writing the Name and Place of Abode of such Recruit, and (if such Recruit shall not reside in or in the Vicinity of the Town or Place where he offered to enlist) the Place also at which he shall declare that he intends to sleep, in order that, within Forty-eight but not sooner than Twenty-four Hours (any intervening *Sunday* not included) after his having received the Enlisting Money, Notice of his having so enlisted be given to the Recruit in the Form prescribed in the Schedule to this Act annexed, or left at his usual Place of Abode, or at the Place where he stated that it was his Intention to sleep; and when any Person shall be enlisted as a Soldier in Her Majesty's Land Service he shall, within Four Days (any intervening *Sunday* not included) but not sooner than Twenty-four Hours after such enlisting, appear, together with some Person employed in the Recruiting Service of the Party with which he shall have enlisted, before any Justice or other Magistrate residing in the Vicinity of the Place where such Person shall have enlisted, or before any Justice or other Magistrate acting for the Division, District, or Place where such Recruit shall have been enlisted, and not being an Officer in the Army; and if such Recruit shall declare his having voluntarily enlisted, the said Justice shall put to him the several Questions contained in the Schedule to this Act annexed, and shall then and there, and in the Presence of the said Recruit, record or cause to be recorded in Writing his Answers thereunto; and the said Justice is hereby required forthwith to read over, or cause his Clerk in his Presence to read over, to such Recruit, the Fortieth and Forty-sixth Articles of the Articles of War against Mutiny and Desertion, and to administer to such Recruit the Oath in the Schedule to this Act annexed, or for Service in the Forces of the *East India* Company, as may be applicable to the Case of the Recruit, and no other Oaths; and the Fee for administering each Oath shall be One Shilling and no more; and the said Justice is hereby required to give under his Hand the Certificate in the Schedule to this Act annexed; and if any such Recruit so to be certified shall refuse to take the Oath in the Schedule to this Act annexed before the said Justice, it shall be lawful for the Justice, at the Request of the Officer or Non-commissioned Officer with whom he enlisted, to detain and confine such Person until he shall take the said Oath of Fidelity.

Dissent and Relief from Enlistment.

LVI. And be it enacted, That any Recruit appearing as aforesaid before such Justice shall be at liberty to declare his Dissent to such enlisting, and upon such Declaration, and returning the Enlisting Money, and also paying the Sum of Twenty Shillings for the Charges expended upon him, together with the full Amount of Subsistence and Beer Money which shall have been paid to such

Recruit subsequent to the Period of his having been enlisted, shall be forthwith discharged and set at liberty in the Presence of such Justice; but if such Person shall refuse or neglect, within the Space of Twenty-four Hours after so declaring his Dissent, to return and pay such Money as aforesaid, he shall be deemed and taken to be enlisted as if he had given his Assent thereto before the said Justice: Provided always, that it shall be lawful for any Justice to discharge any Person who shall have hastily enlisted, and who shall apply to him to declare his Dissent within such Four Days as aforesaid, upon Payment of the Sum of Money required to be paid by any Recruit declaring his Dissent under this Act, notwithstanding no Person belonging to the Recruiting Party shall be with the Recruit, if it shall appear to such Justice, upon Proof to his Satisfaction, that the Recruiting Party has left the Place where such Recruit was enlisted, or that the Recruit could not procure any Person belonging to such Party to go with him before the Justice; and the Sum paid by such Recruit upon his Discharge shall be kept by the Justice, and after deducting One Shilling as the Fee to his Clerk for reporting the Payment to the Secretary at War shall be paid to any Person belonging to the Recruiting Party entitled thereto demanding the same; provided that no Recruit who has been actually, though erroneously, discharged by the Justice before the Expiration of Twenty-four Hours after the Time of his Enlistment, shall be liable on that account to be proceeded against as having deserted from Her Majesty's Service; and the Justice who shall discharge any Recruit shall in every Case give a Certificate thereof, signed with his Hand, to the Recruit, specifying the Cause thereof.

Offences connected with Enlistment.

LVII. And be it enacted, That if any Recruit shall receive the Enlisting Money from any Person employed in the Recruiting Service (knowing it to be such), and shall abscond or refuse to go before such Justice, or shall thereafter absent himself from the Recruiting Party or Person with whom he enlisted, and shall not voluntarily return to go before some Justice within such Period of Four Days as aforesaid, such Recruit shall be deemed to be enlisted and a Soldier in Her Majesty's Service as fully to all Intents and Purposes as if he had been duly attested, and may be apprehended and punished as a Deserter, or for being absent without Leave, under any Articles of War made for Punishment of Mutiny and Desertion; and such Recruit shall not be discharged by any Justice of the Peace after the Expiration of such Four Days as aforesaid, unless it shall be proved to the Satisfaction of such Justice that the true Name and Residence of the Recruit were disclosed and known to the Recruiting Party, and that no Notice was given to the Recruit, or left at his usual Place of Abode, of his having so enlisted: Provided always, that

in every Case wherein any Recruit shall have received Enlisting Money, and shall have absconded from the Party, so that it shall not be possible immediately to apprehend and bring him before a Justice, the Officer or Non-commissioned Officer commanding the Party shall produce to the Justice before whom the Recruit ought regularly to have been brought for Attestation a Certificate of the Name and Place of Residence of such Recruit; and the Justice to whom such Certificate shall be produced shall, after satisfying himself that the Recruit who had absconded cannot be found and apprehended, transmit a Duplicate thereof to Her Majesty's Secretary at War, in order that, in the event of such Recruit being afterwards apprehended and reported as a Deserter, the Facts of his having received Enlisting Money, and having absconded after having been enlisted, may be ascertained before he be finally adjudged to be a Deserter; and any Recruit who shall enlist into Her Majesty's Forces, and who shall be discovered to be incapable of active Service by reason of any Infirmity concealed or not declared by such Recruit before the Justice at the Time of his Attestation, may be transferred to any Garrison or Veteran or Invalid Battalion or Company, or into Her Majesty's Marine Forces, notwithstanding he shall have enlisted for any particular Regiment, and shall be entitled to receive such Proportion or Residue of Bounty only as Her Majesty may allow in that Behalf, instead of the Bounty upon which such Man shall have been enlisted, anything in any Act or Acts, or any Rules and Regulations relating to Soldiers, to the contrary notwithstanding; and it shall be lawful for any Two Justices acting for the County, District, City, Burgh, or Place where any such Recruit shall at any Time happen to be when any such Recruit shall be brought, and shall be proved upon Oath before them to have concealed his having been a Soldier and discharged, or to have concealed his having been discharged upon any prior Enlistment, or to have wilfully concealed any such Infirmity, or to have designedly made any false Representation upon being attested, to adjudge such Recruit, if in *England*, to be a Rogue and Vagabond, and to sentence him to such Punishment as by any Law in force may be inflicted upon Rogues and Vagabonds, and to adjudge such Person, if in *Scotland* or *Ireland*, to be imprisoned with hard Labour in any Prison or House of Correction for any Period not exceeding Three Months; and any Recruit who shall designedly make any false Representation of any Particular contained in the Oaths and Certificates in the Schedule to this Act annexed, before the Justice, at the Time of his Attestation, and shall obtain any Enlisting Money or Bounty for entering into Her Majesty's Service or any other Money, shall be deemed guilty of obtaining Money under false Pretences, within the true Intent and Meaning, if in *England*, of an Act passed in the Seventh and Eighth Years of His

Majesty

Majesty King *George* the Fourth, intituled *An Act for consolidating and amending the Laws in* England *relative to Larceny and other Offences connected therewith*, and if in *Ireland*, of an Act passed in the Ninth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for consolidating and amending the Laws in* Ireland *relative to Larceny and other Offences connected therewith*, and such Recruit, if in *Scotland*, shall be deemed guilty of Falsehood, Fraud, and wilful Imposition, and any such Recruit shall be tried for any such Offence in any County or Place where he may at any Time happen to be; and the Production of such Certificate, and Proof of the Handwriting of the Justice giving such Certificate, shall be sufficient Evidence of such Party having represented the several Particulars contained in the Oath sworn by him, and specified in the Certificate of the Justice at the Time of his being attested; and that Proof by the Oath of One or more credible Witnesses that the Person so prosecuted hath voluntarily acknowledged that at the Time of his Enlistment he belonged to the Militia, or to any Regiment in Her Majesty's Service, or to Her Majesty's Ordnance, Navy, or Marines, shall be deemed and taken as Evidence of the Fact so by him acknowledged, without Production of any Roll or other Document to prove the same; and such Proof of such Acknowledgment shall be certified to the Secretary at War by the Justice before whom such Proof shall have been given; and any Man having been enrolled to serve in the Militia at the Time of offering to enlist who shall deny that he is a Militia Man then actually enrolled and engaged to serve, or shall deny to the Justice before whom he shall be attested that he belongs to the Militia, shall, on Conviction thereof before any One Justice in the United Kingdom, either upon Oath of One Witness or upon his own Confession, or upon the Production of the Attestation, and the before-mentioned Acknowledgment of such Person, certified by the Secretary at War or Deputy Secretary at War, be committed to the Common Gaol or House of Correction, there to remain without Bail or Mainprize for and during any Time not exceeding Six Calendar Months, over and above any Penalty or Punishment to which such Person so offending may be otherwise liable, and shall from the Day on which his Engagement to serve in the Militia shall end, and not sooner, belong as a Soldier to the Corps of Her Majesty's Regular Forces, or of the *East India* Company's Forces, into which he shall have so enlisted: Provided always, that every such Person shall be liable to serve within the United Kingdom of *Great Britain* and *Ireland* in any Regiment, Battalion, or Corps of Her Majesty's Regular Forces, or of the *East India* Company's Forces, in which he has so enlisted, during all the Time the Militia to which he shall belong shall remain disembodied, or shall not be called out for Training or Exercise, and shall during all such Time be subject to all the Provisions of this Act, and liable

7 & 8 G. 4. c. 29.

9 G. 4. c. 55.

liable to be apprehended and dealt with and punished as a Deserter from the Corps in which he shall have so enlisted, if he shall neglect or refuse to join and serve in such Corps as aforesaid.

Punishment of Officers offending against Laws regarding Enlistment.

LVIII. And be it enacted, That every Military Officer who shall wilfully act contrary to the Provisions of this Act in any respect regarding the enlisting and attesting of Recruits for Her Majesty's Service or for the Service of the *East India* Company, shall, upon Proof thereof upon Oath by Two Witnesses before a General Court-martial, be cashiered, and disabled to hold any Civil or Military Office or Employment in Her Majesty's Service.

Enlistment and Re-enlistment abroad.

LIX. And whereas it is expedient that Provision should be made for enlisting and attesting of Soldiers desirous of re-enlisting and others desirous of enlisting abroad: Be it therefore enacted, That it shall be lawful for Her Majesty, by any Warrant signed by the Secretary at War in that Behalf, to authorize the Governors of Colonies, and of the several Presidencies in *India*, to appoint any Person, not being a General Officer nor holding any Regimental Commission, to enlist and attest, out of *Great Britain* or *Ireland*, any Soldiers or Persons desirous of enlisting or re-enlisting into Her Majesty's Service; and any Person so appointed shall have the same Powers in that Behalf as are given to Justices in the United Kingdom for all such Purposes of Enlistment and Attestation; and any Person so enlisted or re-enlisted shall be deemed to be an attested Soldier; and as often as any Corps shall be relieved or disbanded at any Station beyond the Seas it shall be lawful for any Officers thereunto authorized by the Officer commanding in chief at such Station to receive as Transfers as many of the Soldiers belonging to the Corps leaving the Station as shall be willing and fit for Service for any Corps appointed to remain; and every Soldier so transferred is hereby deemed to be discharged from his former Corps, and an attested Certificate of Transfer shall be delivered to the Soldier; and every Infantry Soldier consenting to be transferred to the Cavalry or Artillery shall upon such Transfer become liable to serve the limited Period prescribed for the Cavalry or Artillery, as the Case may be, notwithstanding his original Engagement to serve in the Infantry for a shorter Period.

Enlistment of Negroes.

LX. And be it enacted, That all Negroes or Persons of Colour who, although not born in any of Her Majesty's Colonies, Territories, or Possessions, shall have voluntarily enlisted into Her Majesty's Service, shall while serving be deemed to be Soldiers legally enlisted into Her Majesty's Service, and entitled to all the Privileges of natural-born Subjects; and all Negroes purchased by or on account of Her Majesty previous to the total Abolition of Slavery throughout the *British* Colonies, and serving in any of Her Majesty's Forces, and

all Negroes who have been seized and condemned as Prize under the Slave Trade Acts, and appointed to serve in Her Majesty's Army, shall be deemed to be and shall be entitled to all the Advantages of Negroes or Persons of Colour voluntarily enlisted to serve as Soldiers in any of Her Majesty's Colonial Forces.

Apprentice enlisting to be liable to serve after the Expiration of his Apprenticeship.

LXI. And be it enacted, That any Person duly bound as an Apprentice who shall enlist as a Soldier in Her Majesty's or the *East India* Company's Service, and shall state to the Magistrate before whom he shall be carried and attested that he is not an Apprentice, shall be deemed guilty of obtaining Money under false Pretences within the true Intent and Meaning of the before-recited Acts, if in *England* or in *Ireland*, and of Falsehood, Fraud, and wilful Imposition, if in *Scotland*, and shall after the Expiration of his Apprenticeship, whether he shall have been so convicted and punished or not, be liable to serve as a Soldier in any of Her Majesty's Regular Forces, or in the Forces of the *East India* Company, according to the Terms of the Enlistment, and if on the Expiration of his Apprenticeship he shall not deliver himself up to some Officer authorized to receive Recruits, may be taken as a Deserter from Her Majesty's Forces.

Claims of Masters to Apprentices.

LXII. And be it enacted, That no Master shall be entitled to claim an Apprentice who shall enlist as a Soldier in Her Majesty's or the *East India* Company's Service, unless he shall, within One Calendar Month after such Apprentice shall have left his Service, go before some Justice, and take the Oath mentioned in the Schedule to this Act annexed, and produce the Certificate of such Justice of his having taken such Oath, which Certificate such Justice is required to give in the Form in the Schedule to this Act annexed, and unless such Apprentice shall have been bound, if in *England*, for the full Term of Seven Years, not having been above the Age of Fourteen when so bound, and, if in *Ireland* or in the *British* Isles, for the full Term of Five Years at the least, not having been above the Age of Sixteen when so bound, and, if in *Scotland*, for the full Term at least of Four Years, by a regular Contract or Indenture of Apprenticeship, duly extended, signed, and tested, and binding on both Parties by the Law of *Scotland*, prior to the Period of Enlistment, and unless such Contract or Indenture in *Scotland* shall, within Three Months after the Commencement of the Apprenticeship, and before the Period of Enlistment, have been produced to a Justice of the Peace of the County in *Scotland* wherein the Parties reside, and there shall have been endorsed thereon by such Justice a Certificate or Declaration signed by him, specifying the Date when and the Person by whom such Contract or Indenture shall have been so produced, which Certificate

or Declaration such Justice of the Peace is hereby required to endorse and sign, and unless such Apprentice shall, when claimed by such Master, be under Twenty-one Years of Age: Provided always, that any Master of an Apprentice indentured for the Sea Service shall be entitled to claim and recover him in the Form and Manner above directed, notwithstanding such Apprentice may have been bound for a less Term than Seven, Five, or Four Years as aforesaid: Provided also, that any Master who shall give up the Indentures of Apprenticeship within One Month after the enlisting of such Apprentice shall be entitled to receive to his own Use so much of the Bounty payable to such Recruit, after deducting therefrom Two Guineas to provide him with Necessaries, as shall not have been paid to such Recruit before Notice given of his being an Apprentice.

Punishment of Apprentices enlisting.

LXIII. And be it enacted, That no Apprentice claimed by his Master shall be taken from any Corps or Recruiting Party but under a Warrant of a Justice residing near, and within whose Jurisdiction such Apprentice shall then happen to be, before whom he shall be carried; and such Justice shall inquire into the Matter upon Oath, which Oath he is hereby empowered to administer, and shall require the Production and Proof of the Indenture, and that Notice of the said Warrant has been given to the Commanding Officer, and a Copy thereof left with some Officer or Non-commissioned Officer of the Party, and that such Person so enlisted declared that he was no Apprentice; and such Justice, if required by such Officer or Non-commissioned Officer, shall commit the Offender to the Common Gaol of the said Place, and shall keep the Indenture to be produced when required, and shall bind over such Person as he may think proper to give Evidence against the Offender, who shall be tried at the next or at the Sessions immediately succeeding the next General or Quarter Sessions of the County, Division, or Place, unless the Court shall on just Cause put off the Trial; and the Production of the Indenture, with the Certificate of the Justices that the same was proved, shall be sufficient Evidence of the said Indenture; and every such Offender, in *Scotland*, may be tried by the Judge Ordinary in the County or Stewartry, in such and the like Manner as any Person may be tried in *Scotland* for any Offence not inferring a Capital Punishment: Provided always, that any Justice not required as aforesaid to commit such Apprentice may deliver him to his Master.

Wages of Servants enlisting.

LXIV. And be it enacted, That it shall be lawful for the Justice before whom any Recruit shall be attested before the Expiration of the Term of Service for which he had been hired by his Master to adjudge to such Recruit a reasonable Proportion of his Wages for the Time he has actually served; and the said Justice shall make an Order

Order for the Payment of the Amount so awarded, and in case of Neglect or Refusal to pay the same within Four Days shall issue his Warrant for levying the same by Distress and Sale of the Goods and Chattels of the Master.

Removal of Doubts as to Attestation of Soldiers.

LXV. And whereas certain Soldiers who have heretofore been duly enlisted, and who have voluntarily taken the Oath of Allegiance and Fidelity, and are now receiving Her Majesty's Pay, have been sworn and attested, but Doubts have arisen whether the Justices before whom the said Soldiers have been so sworn and attested were duly qualified to administer to such Soldiers the Oaths prescribed by the several Acts passed for the punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters: Be it enacted, That in every Case where any such Soldier, having been duly enlisted, shall have been so attested and sworn, and shall not have claimed to be discharged on or before the Seventeenth Day of *March* One thousand eight hundred and forty-six, he shall not be entitled to his Discharge by reason of such Informality, but shall be liable to all the Provisions of this Act, and of the Act passed during the last Session of Parliament for the punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters, where in force, and shall be entitled to the full Benefit of his past Service, and to all Pay and Pension in respect thereof, to all Intents and Purposes and in like Manner as if he had been duly attested and sworn.

Authorized Deductions only to be made from the Pay of the Army.

LXVI. And be it enacted, That no Secretary at War, Paymaster General of the Army, Paymaster, or any other Officer whatsoever, or their under Officers, shall receive any Fees or make any Deductions whatsoever out of the Pay of any Officer or Soldier in Her Majesty's Army, or from their Agents, which shall grow due from and after the Twenty-fifth Day of *April* One thousand eight hundred and fifty, other than the usual Deductions, or such other necessary Deductions as shall from Time to Time be required by Her Majesty's Regulations, or by Her Majesty's Order signified by the Secretary at War; and every Paymaster or other Officer having received any Officer's or Soldier's Pay who shall unlawfully detain the same for the Space of One Month, or refuse to pay the same when it shall become due, according to the several Rates and agreeably to the several Regulations established by Her Majesty's Orders, shall, upon Proof thereof before a Court-martial, be discharged from his Employment, and shall forfeit One hundred Pounds, and the Informer, if a Soldier, if he demand it, shall be discharged from any further Service; provided as aforesaid that it shall be lawful for Her Majesty's Secretary at War to give Orders for withholding the Pay of any Officer or Soldier for any Period during which such Officer or Soldier shall be absent without Leave, or improperly absent from his Corps and

and from his Duty, or, in case of any Doubt as to the proper Issue of Pay, to withhold it from the Parties aforesaid until Her Majesty's Orders shall have been signified by the Secretary at War.

Suspending Operation of recited Acts.

LXVII. And whereas by Petition of Right in the Third Year of King *Charles* the First it is enacted and declared, that the People of the Land are not by the Laws to be burdened with the sojourning of Soldiers against their Wills; and by a Clause in an Act of the Parliament of *England*, made in the Thirty-first Year of the Reign of King *Charles* the Second, for granting a Supply to His Majesty of Two hundred and six thousand four hundred and sixty-two Pounds Seventeen Shillings and Three-pence, for paying and disbanding the Forces, it is declared and enacted, that no Officer, Civil or Military, nor other Person whosoever, should thenceforth presume to place, quarter, or billet any Soldier upon any Subject or Inhabitant of this Realm, of any Degree, Quality, or Profession whatsoever, without his Consent, and that it shall be lawful for any Subject or Inhabitant to refuse to quarter any Soldier, notwithstanding any Warrant or Billeting whatsoever: And whereas by an Act passed in *Ireland* in the Sixth Year of the Reign of Queen *Anne*, intituled *An Act to prevent the Disorders that may happen by the marching of Soldiers, and providing Carriages for the Baggage of Soldiers on their March*, it was enacted, that no Officer, Soldier, or Trooper in the Army, nor the Servant of any Officer, nor any Attendant on the Train of Artillery, should at any Time thereafter be allowed any Quarters in any Part of *Ireland*, save only during such Time as he or they should be and remain in some Seaport Town in order to be transported, or during such Time as there should be any Commotion in any Part of *Ireland*, by reason of which Emergency the Army should be commanded to march from any Part of *Ireland* to another: But forasmuch as there is and may be Occasion for the marching and quartering of Regiments, Troops, and Companies in several Parts of the United Kingdom of *Great Britain* and *Ireland*, be it enacted, That the said recited Acts and the several Provisions thereof shall not be of any Force or Effect during the Continuance of this Act.

6 Anne, c. 14.

How and where Troops may be billeted.

LXVIII. And be it enacted, That it shall be lawful for all Constables of Parishes and Places, and other Persons specified in this Act, in *England* and *Ireland*, and they are hereby required, to billet the Officers and Soldiers in Her Majesty's Service and Persons receiving Pay in Her Majesty's Army, and the Horses belonging to Her Majesty's Cavalry, and also all Staff and Field Officers Horses, and all Bât and Baggage Horses belonging to any of Her Majesty's other Forces, when on actual Service not exceeding for each Officer the Number for which Forage is or shall be allowed by Her Majesty's Regulations, in Victualling Houses and other

Houses specified in this Act (taking care in *Ireland* not to billet less than Two Men in One House, except only in case of billeting Cavalry as specially provided); and that they shall be received by the Occupiers of such Houses in which they are so allowed to be billeted, and be furnished by such Victuallers with proper Accommodation in such Houses, or if any Victualler shall not have sufficient Accommodation in the House upon which a Soldier is billeted, then in some good and sufficient Quarters to be provided by such Victualler in the immediate Neighbourhood, and in *England* with Diet and Small Beer, and with Stables, Hay, and Straw for such Horses as aforesaid, paying and allowing for the same the several Rates herein-after provided; and at no Time when Troops are on a March shall any of them, whether Infantry or Cavalry, be billeted above One Mile from the Place mentioned in the Route; and in all Places where Cavalry shall be billeted in pursuance of this Act, the Men and their Horses shall be billeted in one and the same House, except in case of Necessity; and in no other Case whatsoever shall there be less than One Man billeted where there shall be One or Two Horses, nor less than Two Men where there shall be Four Horses, and so in proportion for a greater Number; and in no Case shall a Man and his Horse be billeted at a greater Distance from each other than One hundred Yards; and the Constables are hereby required to billet all Soldiers and their Horses on their March in a just and equal Proportion upon the Keepers of all Houses within One Mile of the Place mentioned in the Route, although some of such Houses may be in the adjoining County, in like Manner in every respect as if such Houses were locally situate within such Place; provided that nothing herein contained shall be construed to extend to authorize any Constable to billet Soldiers out of the County to which such Constable belongs when the Constable of the adjoining County shall be present and undertake to billet the due Proportion of Men in such adjoining County; and no more Billets shall at any Time be ordered than there are effective Soldiers and Horses present to be billeted; all which Billets, when made out by such Constables, shall be delivered into the Hands of the Commanding Officer present; and if any Person shall find himself aggrieved by having an undue Proportion of Soldiers billeted in his House, and shall prefer his Complaint, if against a Constable or other Person not being a Justice, to One or more Justices, and if against a Justice then to Two or more Justices within whose Jurisdiction such Soldiers are billeted, such Justices respectively shall have Power to order such of the Soldiers to be removed, and to be billeted upon other Persons, as they shall see Cause; and when any of Her Majesty's Cavalry or any Horses as aforesaid shall be billeted upon the Occupiers of Houses in which Officers or Soldiers may be

quartered by virtue of this Act who shall have no Stables, then and in such Case, upon the written Requisition of the Commanding Officer of the Regiment, Troop, or Detachment, the Constable is hereby required to billet the Men and their Horses, or Horses only, upon some other Person or Persons who have Stables by this Act liable to have Officers and Soldiers billeted upon them; and upon Complaint being made by the Person or Persons to whose House or Stables the said Men and Horses shall have been so removed to Two or more Justices within whose Jurisdiction such Men or Horses shall be so billeted, it shall be lawful for such Justices to order a proper Allowance to be paid by the Person relieved to the Persons receiving such Men and Horses, or to be applied in furnishing the requisite Accommodation; and Commanding Officers may exchange any Man or Horse billeted in any Place with another Man or Horse billeted in the same Place, for the Benefit of the Service, provided the Number of Men and Horses do not exceed the Number at that Time billeted on such Houses; and the Constables are hereby required to billet such Men and Horses so exchanged accordingly; and it shall be lawful for any Justice, at the Request of any Officer or Non-commissioned Officer commanding any Soldiers requiring Billets, to extend any Routes or enlarge the Districts within which Billets shall be required, in such Manner as shall appear to be most convenient to the Troops; provided that, to prevent or punish all Abuses in billeting Soldiers, it shall be lawful for any Justice within his Jurisdiction, by Warrant or Order under his Hand, to require any Constable to give him an Account in Writing of the Number of Officers and Soldiers who shall be quartered by such Constables, together with the Names of the Persons upon whom such Officers and Soldiers are billeted, stating the Street or Place where such Persons dwell, and the Sign, if any, belonging to those Houses; and it shall be lawful for Constables to billet Officers and Soldiers in *Scotland* according to the Provisions of the Laws in force in *Scotland* at the Time of its Union with *England;* and no Officer shall be obliged to pay for his Lodging where he shall be regularly billeted, except in the Suburbs of *Edinburgh:* Provided that no Officer or Soldier shall be billeted in *England* in any private Houses, or in any Canteen held or occupied under the Authority of the Ordnance Department, or upon Persons who keep Taverns only, being Vintners of the City of *London* admitted to their Freedom of the said Company in right of Patrimony or Apprenticeship, notwithstanding such Persons who keep such Taverns only have taken out Victualling Licences, nor in the Houses of any Distiller kept for distilling Brandy and Strong Waters, nor in the House of any Storekeeper whose principal Dealing shall be more in other Goods and Merchandize than in Brandy and Strong Waters, so as such Distillers and Shopkeepers do not permit tippling in such Houses, nor

Exemptions from Billets.

nor in the House of Residence in any Part of the United Kingdom of any Foreign Consul duly accredited as such.

Billeting the Guards in and near Westminster.

LXIX. And be it enacted, That the Officers and Soldiers of Her Majesty's Foot Guards shall be billeted within the City and Liberties of *Westminster* and Places adjacent, lying in the County of *Middlesex* (except the City of *London*), and in the County of *Surrey*, and in the Borough of *Southwark*, in the same Manner and under the same Regulations as in other Parts of *England*, in all Cases for which particular Provision is not made by this Act; and the High Constable shall, on Receipt of the Order for billeting Soldiers, deliver Precepts to the several Constables within their respective Divisions, in pursuance of which the said Constables shall billet such Officers and Soldiers, equally and proportionally on the Houses subjected thereto by this Act; and the said Constables shall at every General Sessions of the Peace to be holden for the said City and Liberties, Counties, and Borough respectively, make and deliver to the Justices then in open Session assembled, upon Oath, which Oath the said Justices are hereby required to administer, Lists, signed by them respectively, of the Houses subject by this Act to receive Officers and Soldiers, together with the Names and Rank of all Officers and Soldiers billeted on each respectively, which Lists shall remain with the respective Clerks of the Peace for the Inspection of all Persons, without Fee or Reward; and such Clerk shall forthwith from Time to Time deliver to any Persons who shall require the same true Copies of any such Lists, upon being paid Two-pence *per* Sheet for the same, each Sheet to contain at the least One hundred and fifty Words.

Military Officers not to act as Justices in billeting.

LXX. And be it enacted, That no Justice having or executing any Military Office or Commission in any Part of the United Kingdom shall, directly or indirectly, be concerned in the billeting or appointing Quarters for any Soldier in the Regiment, Troop, or Company under the immediate Command of such Justice, but that all Warrants, Acts, or Things so appointed by such Justice for or concerning the same shall be void.

Allowance to Innkeepers.

LXXI. And be it enacted, That the Innholder or other Person on whom any Soldier is billeted in *England* shall, if required by such Soldier, furnish him for every Day on the March, and for a Period not exceeding Two Days when halted at the intermediate Place upon the March, and for the Day of the Arrival at the Place of final Destination, with One hot Meal in each Day, the Meal to consist of such Quantities of Diet and Small Beer as may be fixed by Her Majesty's Regulations, not exceeding One Pound and a Quarter of Meat previous to being dressed, One Pound of Bread, One Pound of

Potatoes

Potatoes or other Vegetables, and Two Pints of Small Beer, and Vinegar, Salt, and Pepper, and for such Meal the Innholder or other Person furnishing the same shall be paid the Sum of Ten-pence; and all Innholders and other Persons on whom Soldiers may be billeted in *England*, except when on the March and entitled to be furnished with the hot Meal as aforesaid, shall furnish such Soldiers with Candles, Vinegar, and Salt, and shall allow them the Use of Fire, and the necessary Utensils for dressing and eating their Meat, and shall be paid in consideration thereof the Sum of One Halfpenny *per Diem* for each Soldier; and the Sum to be paid to the Innholder or other Person on whom any of the Horses belonging to Her Majesty's Forces shall be billeted in *England*, for Hay and Straw, shall be Nine-pence *per Diem* for each Horse; and in *Ireland* the Sum to be paid for Forage to the Innholder or other Person, for Horses billeted by virtue of this Act, shall be the Rate established by the Lord Lieutenant or other sufficient Authority from Time to Time, the same to be regulated by the average Rate of Contracts for Forage in *Ireland;* and for the Use of Stables in *Ireland*, when such Horses are provided with Hay and Straw by Contract, and not by the Occupiers of the Houses on which they are billeted, the Sum of Four-pence *per* Week for each Horse shall be paid; and every Officer to whom it belongs to receive or who does actually receive the Pay for any Officers or Soldiers shall every Four Days, or before they shall quit their Quarters if they shall not remain so long as Four Days, settle the just Demands of all Victuallers or other Persons upon whom such Officers and Soldiers are billeted, out of their Pay and Subsistence, before any Part of the said Pay or Subsistence be distributed to them respectively; and if any such Officer shall not pay the same as aforesaid, then upon Complaint, and Oath made thereof by any Two Witnesses, before Two Justices of the Peace for the County, Riding, Division, Liberty, City, Borough, or Place where such Quarters were situated, sitting in Quarter or Petty Sessions, the Secretary at War is hereby required (upon Certificate of the Justices before whom such Oath was made of the Sum due upon such Accounts, and the Persons to whom the same is owing,) to give Orders to the Regimental Agent to pay the said Sums, and to charge the same against such Officers; and in case of any Soldier being suddenly ordered to march, and that the respective Commanding Officers are not enabled to make Payment of the Sums due for the Lodging of the Men and Stabling for the Horses, every such Officer shall, before his Departure, make up the Account with every Person upon whom such Soldier may have been billeted, and sign a Certificate thereof; which Account and Certificate shall be transmitted to the Agent of the Regiment, who is hereby required to make immediate Payment thereof, and to charge the same to the Account of such Officer.

LXXII. And

LXXII. And be it enacted, That all the Powers and Provisions in this Act contained relating to *England* shall be construed to extend to *Wales* and the Town of *Berwick-upon-Tweed;* and all Powers and Provisions relating to the *British* Isles shall be construed to extend to *Guernsey, Jersey, Alderney, Sark,* and *Man,* and all Isles thereto and to *England* and *Ireland* belonging; and all Powers and Provisions relating to Soldiers shall be construed to extend to Non-commissioned Officers, unless when otherwise provided; and all Powers and Provisions relating to Justices shall be construed to extend to all Magistrates authorized to act as such in their respective Jurisdictions, and to Chief Magistrates of exclusive local Jurisdictions; and all the Powers given to and Regulations made for the Conduct of Constables in relation to the billeting of Officers and Soldiers, and all Penalties and Forfeitures for any Neglect thereof, shall extend to all Tithingmen, Headboroughs, and such like Officers, and Inspectors or other Officers of Police, and High Constables and other Chief Officers and Magistrates of Cities, Towns, Villages, Hamlets, Parishes, and Places in *England* and *Ireland,* and to all Justices of the Peace, Magistrates of Burghs, Commissioners of Police, and other Chief Officers and Magistrates of Cities, Towns, Villages, Parishes, and Places in *Scotland,* who shall act in the Execution of this Act in relation to billeting; and all Provisions for billeting Officers and Soldiers in Victualling Houses shall extend and apply to all Inns, Livery Stables, Alehouses, and to the Houses of Sellers of Wine by Retail, whether *British* or Foreign, to be drank in their own Houses, or Places thereunto belonging, and to all Houses of Persons selling Brandy, Strong Waters, Cider, or Metheglin, by Retail, in *England* and *Ireland;* and in *Ireland,* when there shall not be found sufficient Room in such Houses, then to billeting Soldiers in such Manner as has been heretofore customary.

Definition of Terms.

Powers and Regulations as to Billets.

LXXIII. And be it enacted, That for the regular Provision of Carriages for Her Majesty's Forces, and their Baggage, in their Marches in *Great Britain* and *Ireland,* all Justices of the Peace within their several Jurisdictions, being duly required thereunto by an Order from Her Majesty, or the General of Her Forces, or the Master General or Lieutenant General of Her Majesty's Ordnance, or other Person duly authorized in that Behalf, shall, on Production of such Order, or a Copy thereof certified by the Commanding Officer, to such Justices, by some Officer or Non-commissioned Officer of the Regiment so ordered to march, issue a Warrant to any Constable having Authority to act in any Place from, through, near, or to which the Troop shall be ordered to march, (for each of which Warrants the Fee of One Shilling only shall be paid,) requiring him to provide the Carriages, Horses, and Oxen, and Drivers therein mentioned, and allowing sufficient Time to do the same, specifying the Places from

Supply of Carriages.

 and

and to which the said Carriages shall travel, and the Distance between the Places, for which Distance only so specified Payment shall be demanded, and which Distance shall not, except in Cases of pressing Emergency, exceed a Day's March prescribed in the Order of Route, and shall in no Cases exceed Twenty-five Miles; and the Constables receiving such Warrants shall order such Persons as they shall think proper, having Carriages, to furnish the requisite Supply, who are hereby required to furnish the same accordingly; and when sufficient Carriages cannot be procured within the proper Jurisdiction, any Justice of the next adjoining Jurisdiction shall, by a like Course of Proceeding, supply the Deficiency; and in order that the Burden of providing Carriages may fall equally, and to prevent Inconvenience arising from there being no Justice near the Place where Troops may be quartered on the March, any Justice residing nearest to such Place may cause a List to be made out once in every Year of all Persons liable to furnish such Carriages, and of the Number and Description of their said Carriages, (which Lists shall at all seasonable Hours be open to the Inspection of the said Persons,) and may by Warrant under his Hand authorize the Constable within his Jurisdiction to give Orders to provide Carriages, without any special Warrant for that Purpose, which Orders shall be valid in all respects; and all Orders for such Carriages shall be made from such Lists in regular Rotation, as far as the same can be done.

Rates to be paid for Carriages, and Regulations relating thereto.

LXXIV. And be it enacted, That in every Case in which the whole Distance for which any Carriage shall be impressed shall be under One Mile the Rate of a full Mile shall be paid; and the Rates to be paid for Carriages impressed shall be, in *England*, for every Mile which a Waggon with Four or more Horses, or a Wain with Six Oxen or Four Oxen and Two Horses, shall travel, One Shilling; and for every Mile any Waggon with narrow Wheels, or any Cart with Four Horses, carrying not less than Fifteen Hundred Weight, shall travel, Nine-pence; and for every Mile any other Cart or Carriage with less than Four Horses, and not carrying Fifteen Hundred Weight, shall travel, Sixpence; and in *Ireland*, for every Hundred Weight, loaded on any Wheel Carriage, One Halfpenny *per* Mile; and in *England* such further Rates may be added, not exceeding a total Addition *per* Mile of Four-pence, Three-pence, or Two-pence, to the respective Rates of One Shilling, Nine-pence, or Sixpence, as may seem reasonable to the Justices assembled at General Sessions for their respective Districts, or to the Recorder of any Municipal City, Borough, or Town, Corporate or not Corporate; and the Order of such Justices or Recorder at Sessions shall specify the average Price of Hay and Oats at the nearest Market Town at the Time of fixing such additional Rates, the Period for which the Order shall be enforced not exceeding Ten Days beyond the next General Sessions; and no such

Order

Order shall be valid unless a Copy thereof, signed by the presiding Magistrate and one other Justice, or by the Recorder, shall be transmitted to the Secretary at War within Three Days after the making thereof; and also in *England*, when the Day's March shall exceed Fifteen Miles, the Justice granting his Warrant may fix a further reasonable Compensation, not exceeding the usual Rate of Hire fixed by this Act; and when any additional Rates or Compensation shall be granted, the Justice shall insert in his own Hand in the Warrant the Amount thereof, and the Date of the Order of Sessions if fixed by Sessions, and the Warrant shall be given to the Officer commanding as his Voucher; provided that the Officer or Non-commissioned Officer demanding Carriages by virtue of the Warrant of a Justice shall, in *England*, pay the proper Sums into the Hands of the Constables providing Carriages, who shall give Receipts for the same on unstamped Paper; and in *Ireland*, the Officers or Non-commissioned Officers as aforesaid shall pay to the Owners or Drivers of the Carriages, and One Third Part of such Payment shall be made before the Carriage be loaded, and all the said Payments in *Ireland* shall be made, if required, in the Presence of a Justice or Constable; provided that no Carriage shall be liable to carry more than Thirty Hundred Weight in *England*, and in *Ireland* no Car shall be liable to carry more than Six Hundred Weight, and no Dray more than Twelve Hundred Weight; but the Owner of such Carriages in *Ireland* consenting to carry a greater Weight shall be paid at the same Rate for every Hundred Weight of the said Excess; and the Owners of such Carriages in *Ireland* shall not be compelled to proceed, though with any less Weight, under the Sum of Three-pence a Mile for each Car and Sixpence a Mile for each Dray; and the Loading of such Carriages in *Ireland* shall be first weighed, if required, at the Expense of the Owner of the Carriage, if the same can be done in a reasonable Time, without Hindrance to Her Majesty's Service; and the providing and paying for Carriages in *Scotland* shall be regulated by the Law in force at the Time of the Union with *England*; provided that a Cart with One or more Horses for which the Furnisher shall receive Ninepence a Mile shall be required to carry Fifteen Hundred Weight at the least; provided that no Penalties or Forfeitures in any Act relating to Highways or Turnpike Roads in the United Kingdom shall apply to the Number of Horses and Oxen, or Weight of Loading of the aforesaid Carriages, which shall not on that account be stopped or detained; and whenever it shall be necessary to impress Carriages for the March of Soldiers from *Dublin*, at least Twenty-four Hours Notice of such March, and in case of Emergency as long Notice as the Case will admit, shall be given to the Lord Mayor of *Dublin*, who shall summon a proportional Number of Cars and Drays at his Discretion, out of the licensed Cars and Drays and other Cars

and

and Drays within the County of the said City, and they shall by Turns be employed on this Duty at the Prices and under the Regulations herein-before mentioned; and no Country Cars, Drays, or other Carriages coming to Markets in *Ireland* shall be detained or employed against the Will of the Owners in carrying the Baggage of the Army on any Pretence whatsoever.

Supply of Carriages in Cases of Emergency.

LXXV. And be it enacted, That it shall be lawful for Her Majesty, or the Lord Lieutenant or Chief Governors of *Ireland*, by Her or their Order, distinctly stating that a Case of Emergency doth exist, signified by the Secretary at War, or if in *Ireland* by the Chief Secretary or Under Secretary, or the First Clerk in the Military Department, to authorize any General or Field Officer commanding Her Majesty's Forces in any District or Place, or to the Chief Acting Agent for the Supply of Stores and Provisions, by Writing under his Hand reciting such Order of Her Majesty or Lord Lieutenant or Chief Governor aforesaid, to require all Justices within their several Jurisdictions in *England* and *Ireland* to issue their Warrants for the Provision, not only of Waggons, Wains, Carts, and Cars kept by or belonging to any Person and for any Use whatsoever, but also of Saddle Horses, Coaches, Post Chaises, Chaises, and other Four-wheeled Carriages kept for Hire, and also of Boats, Barges, and other Vessels used for the Transport of any Commodities whatsoever upon any Canal or navigable River, as shall be mentioned in the said Warrants, therein specifying the Place and Distance to which such Carriages or Vessels shall go; and on the Production of such Requisition, or a Copy thereof certified by the Commanding Officer, to such Justice, by any Officer of the Corps ordered to be conveyed, or by any Officer of the Commissariat or Ordnance Department, such Justice shall take all the same Proceedings in regard to such additional Supply so required on the said Emergency as he is by this Act required to take for the ordinary Provision of Carriages; and all Provisions whatsoever of this Act, as regards the procuring of the ordinary Supply of Carriages, and the Duties of Officers and Non-commissioned Officers, Justices, Constables, and Owners of Carriages, in that Behalf, shall be to all Intents and Purposes applicable for the providing and Payment, according to the Rates of Posting or of Hire usually paid for such other Description of Carriages or Vessels so required on Emergency, according to the Length of the Journey or Voyage in each Case, but making no Allowance for Post Horse Duty, or Turnpike, Canal, River, or Lock Tolls, which Duty or Tolls are hereby declared not to be demandable for such Carriages and Vessels while employed in such Service or returning therefrom; and it shall be lawful to convey thereon, not only the Baggage, Provisions, and Military Stores of such Regiment or Detachment, but also the Officers,

Officers, Soldiers, Servants, Women, Children, and other Persons of and belonging to the same.

LXXVI. And be it enacted, That it shall be lawful for the Justices of the Peace assembled at their Quarter Sessions to direct the Treasurer to pay, without Fee, out of the public Stock of the County or Riding, or if such public Stock be insufficient then out of the Monies which the said Justices shall have Power to raise for that Purpose, in like Manner as for County Gaols and Bridges, such reasonable Sums as shall have been expended by the Constables within their respective Jurisdictions for Carriages and Vessels, over and above what was or ought to have been paid by the Officer requiring the same, regard being had to the Season of the Year and Condition of the Ways by which such Carriages and Vessels are to pass.

Justices empowered to reimburse Constables for Sums expended by them.

LXXVII. And be it enacted, That it shall be lawful for the Lord Lieutenant or other Chief Governor for the Time being of *Ireland* to depute, by Warrant under his Hand and Seal, some proper Person to sign Routes in Cases of Emergency, for the marching of any of Her Majesty's Forces in *Ireland*, in the Name of such Lord Lieutenant or Chief Governor.

Routes in Ireland.

LXXVIII. And be it enacted, That all Her Majesty's Officers and Soldiers, being in proper Staff or Regimental or Military Uniform, Dress or Undress, and their Horses, (but not when passing in any hired or private Vehicle,) and all Recruits, marching by Route, and all Prisoners under Military Escort, and all enrolled Pensioners in Uniform when called out for Training or in aid of the Civil Power, and all Carriages and Horses belonging to Her Majesty or employed in Her Service under the Provisions of this Act, when conveying Persons or Baggage or returning therefrom, shall be exempted from Payment of any Duties and Tolls on embarking or disembarking from or upon any Pier, Wharf, Quay, or Landing Place, or passing Turnpike Roads or Bridges, otherwise demandable by virtue of any Act already passed or hereafter to be passed; provided that nothing herein contained shall exempt any Boats, Barges, or other Vessels employed in conveying the said Persons, Horses, Baggage, or Stores along any Canal from Payment of Tolls, in like Manner as other Boats, Barges, and Vessels are liable thereto, except when employed in Cases of Emergency as herein-before enacted.

Tolls.

LXXIX. And be it enacted, That when any Soldiers on Service have Occasion in their March by Route to pass regular Ferries in *Scotland*, the Officer commanding may at his Option pass over with

Ferries.

his Soldiers as Passengers, and shall pay for himself and each Soldier One Half only of the ordinary Rate payable by single Persons, or may hire the Ferry Boat for himself and his Party, debarring others for that Time, and shall in all such Cases pay only Half the ordinary Rate for such Boat.

Marching Money on Discharge.

LXXX. And be it enacted, That every Soldier entitled to his Discharge shall, if then serving abroad, be sent, if he shall so require it, to *Great Britain* or *Ireland* free of Expense, and shall be entitled to receive Marching Money from the Place of his being landed (or, if discharged at home, shall receive Marching Money from the Place of his Discharge) to the Parish or Place in which he shall have been originally enlisted, or at which he shall at the Time of his Discharge decide to take up his Residence, such Place not being at a greater Distance from the Place of his Discharge than the Place of his original Enlistment.

Notification to Parishes of good or bad Conduct of Soldiers.

LXXXI. And be it enacted, That the Churchwardens of every Parish in *England* and *Ireland*, and the Constables or other Officers of every Parish or Place in *Scotland*, on receiving a Notification from the Secretary at War of the Names of any Soldiers belonging to the said Parish who have, for meritorious Conduct in the Army, received Her Majesty's special Approbation, or who, in consequence of Misconduct, have been dismissed Her Majesty's Service with Disgrace, shall affix such Notification on the Outside of the Door of the Church or Chapel belonging to such Parish or Place on the *Sunday* next succeeding the Receipt of the said Notification.

Ordinary Course of Criminal Justice not to be interfered with.

Punishment of Officers obstructing Civil Justice.

LXXXII. And be it enacted, That nothing in this Act shall be construed to extend to exempt any Officer or Soldier from being proceeded against by the ordinary Course of Law; and that if any Commanding Officer shall neglect or refuse, on Application being made to him for that Purpose, to deliver over to the Civil Magistrate any Officer or Soldier under his Command accused of any Crime or Offence against the Person, Estate, or Property of any of Her Majesty's Subjects which is punishable by the well-known Laws of the Land, or shall wilfully obstruct, neglect, or refuse to assist the Officers of Justice in apprehending any Officer or Soldier under his Command, so accused as aforesaid, such Officer shall, upon Conviction thereof in any of Her Majesty's Superior Courts at *Westminster*, *Dublin*, or *Edinburgh*, be deemed to be thereupon cashiered, and shall be thenceforth utterly disabled to have or hold any Civil or Military Office or Employment in the United Kingdom of *Great Britain* and *Ireland*, or in Her Majesty's Service; and a Certificate thereof, containing the Substance and Effect of the Indictment only, omitting the formal Part, with

with the Copy of the Entry of the Judgment of the Court thereon, shall be transmitted to the Judge Advocate General in *London*.

Penalty for Disobedience by Agents.

LXXXIII. And for enforcing a prompt Observance of the Rules and Orders for the due Appropriation of the Public Funds applicable to Army Services, and in order that a true and regular Account may be kept and rendered by the Agents for the several Corps, be it enacted, That the said Agents are hereby required to observe such Orders as shall from Time to Time be given by Her Majesty under Her Sign Manual, or by the Secretary at War, or by Her Majesty's Chief Governor or Governors of *Ireland*, or by the Lord Treasurer or Commissioners of Her Majesty's Treasury; and if any Person, being or having been an Agent, shall refuse or neglect to comply with such Orders in relation to his Duty as Agent, or shall unlawfully withhold or detain the Pay of any Officer or Soldier after the Space of One Month after the Receipt thereof, he shall for the first Offence forfeit the Sum of One hundred Pounds, and, if still an Agent, for the Second Offence be discharged from his Employment as an Army Agent, and be utterly disabled to have or hold such Employment thereafter, or, if he shall have ceased to be an Army Agent, shall for the Second and every succeeding Offence forfeit the Sum of Two hundred Pounds.

Penalty on trafficking in Commissions.

LXXXIV. And be it enacted, That every Person, not being an authorized Army Agent, who shall negotiate or act as Agent for and in relation to the Purchase, Sale, or Exchange of any Commission in Her Majesty's Forces, shall forfeit for every such Offence the Sum of One hundred Pounds; and every Person, whether authorized or not as an Army Agent, who shall receive any Money or Reward in respect of any such Purchase, Sale, or Exchange, or shall negotiate or receive, for any Purpose whatsoever, any Money or Consideration where no Price is allowed by Her Majesty's Regulations, or any Money or Consideration exceeding the Amount so allowed, shall forfeit One hundred Pounds, and Treble the Value of the Consideration where the Commission is not allowed to be sold, or Treble the Excess of such Consideration beyond the regular Price.

Penalty for procuring false Musters.

LXXXV. And be it enacted, That every Person not having any Military Commission who shall give or procure to be given any untrue Certificate, whereby to excuse any Soldier for his Absence from any Muster or any other Service which he ought to attend or perform, or who shall directly or indirectly cause to be taken any Money or Gratuity for mustering any Soldiers, or for signing any Muster Rolls or Duplicates thereof, shall forfeit for every such Offence the Sum of Fifty Pounds; and any Person who shall falsely be mustered, or offer

offer himself to be mustered, or lend or furnish any Horse to be falsely mustered, shall, upon Oath made by Two Witnesses before some Justice of the Peace residing near the Place where such Muster shall be made, forfeit the Sum of Twenty Pounds, and the Informer, if he belongs to Her Majesty's Service, shall, if he demand it, be forthwith discharged.

Penalty on unlawful recruiting.

LXXXVI. And be it enacted, That all the Persons (except such Recruiting Parties as may be stationed under Military Command) who shall cause to be advertised, posted, or dispersed Bills for the Purpose of procuring Recruits or Substitutes for the Line, Embodied Militia, or *East India* Company's Service, or shall open or keep any House, Place of Rendezvous, or Office, or receive any Person therein under such Bill or Advertisement, as connected with the Recruiting Service, or shall directly or indirectly interfere therewith, without Permission in Writing from the Adjutant General, or from the Directors of the *East India* Company, (as the Case may be,) shall forfeit for every such Offence the Sum of Twenty Pounds.

Penalty for inducing Soldiers to desert.

LXXXVII. And be it enacted, That any Person who shall in any Part of Her Majesty's Dominions, by Words or by any other Means whatsoever, directly or indirectly procure any Soldier to desert, or shall by Words or by any other Means whatsoever attempt to procure or persuade any Soldier to desert, and any Person who, knowing that any Soldier is about to desert, shall aid or assist him in deserting, or, knowing any Soldier to be a Deserter, shall conceal such Deserter, or aid or assist such Deserter in concealing himself, shall be deemed guilty of a Misdemeanor, and shall, on Conviction thereof, be liable to be punished by Fine or Imprisonment, or both, as the Court before which such Conviction shall take place may adjudge.

Penalty for forcible Entry in pursuit of Deserters.

LXXXVIII. And be it enacted, That any Officer or Soldier who shall forcibly enter into or break open any Dwelling House or Outhouse or shall give any Order under which any Dwelling House or Outhouse shall be forcibly entered into or broken open, without a Warrant from One or more Justices of the Peace, shall, on Conviction thereof before Two Justices of the Peace, forfeit a Sum not exceeding Twenty Pounds.

Penalties on aiding Escape or Attempt to escape of Prisoners, and on Breach of Prison Regulations.

LXXXIX. And be it enacted, That if any Person shall convey or cause to be conveyed into any Military Prison appointed to be a public Prison under this Act any Arms, Tools, or Instruments, or any Mask or other Disguise, to facilitate the Escape of any Prisoner, or shall by any Means whatever aid and assist any Prisoner to escape or in attempting to escape from such Prison, whether an Escape be actually

actually made or not, such Person shall be deemed guilty of Felony, and upon being convicted thereof shall be transported beyond the Seas for any Term not exceeding Fourteen Years; and if any Person shall bring or attempt to bring into such Prison, in contravention of the existing Rules, any spirituous or fermented Liquor, he shall for every such Offence be liable to a Penalty not exceeding Twenty Pounds and not less than Ten Pounds, or to Imprisonment, with or without hard Labour, for any Time not exceeding Three Calendar Months; and if any Person shall bring into such Prison to or for any Prisoner, without the Knowledge of the Governor, any Money, Clothing, Provisions, Tobacco, Letters, Papers, or other Articles not allowed by the Rules of the Prison to be in the Possession of a Prisoner, or shall throw into the said Prison any such Articles, or shall by Desire of any Prisoner, without the Sanction of the Governor, carry out of the Prison any of the Articles aforesaid, he shall for every such Offence be liable to a Penalty not exceeding Five Pounds, or to Imprisonment, either with or without hard Labour, for any Time not exceeding One Calendar Month; and if any Person shall assault or violently resist any Officer of such Prison in the Execution of his Duty, or shall aid or excite any Person so to assault or resist any such Officer, he shall for every such Offence be liable to a Penalty not exceeding Five Pounds, or to Imprisonment, either with or without hard Labour, for any Time not exceeding One Calendar Month, or, if the Offender be a Soldier already under Sentence of Imprisonment, he shall, upon Conviction thereof by a Board of not less than Three of the Visitors of the Prison, be liable to be sentenced for every such Offence to be imprisoned, either with or without hard Labour, for any Time not exceeding Six Calendar Months, in addition to so much of the Time for which he was originally sentenced as may then be unexpired; and all the Provisions of any Act or Acts of Parliament for the Regulation or better ordering of Gaols, Houses of Correction, or Prisons in *England* and *Wales* shall be deemed to apply to all Military Prisons, so far as any Provision relates to such Offences; and it shall be lawful for the Governor, Provost Marshal, Officer, or Servant of any Military Prison to use and exercise all the Powers and Authorities given by any such Act to the Gaoler, Keeper, or Turnkey of any Prison, or to his or their Assistants, to apprehend, or to cause Offenders to be apprehended, in order to their being taken before a Justice or Justices of the Peace; and all the Powers and Authorities given by such Act to any Justice or Justices of the Peace to convict Offenders in any of the above Cases, together with the Forms of Convictions contained in any such Act, shall be applicable to the like Offences when committed in respect of Military Prisons; and all the Provisions contained in any such Act relating to Suits and Actions prosecuted against any Person for anything done in

Certain Provisions of Gaol Acts to apply to Military Prisons.

pursuance of such Act shall be deemed to apply to all Suits and Actions prosecuted against any Person acting in pursuance of such Act in respect of Military Prisons.

Penalty on Keepers of Prisons for refusing to confine, &c. Military Offenders.

XC. And be it enacted, That any Governor, Provost Marshal, Gaoler, or Keeper of any public Prison, Gaol, House of Correction, Lock-up House, or other Place of Confinement, who shall refuse to receive and to confine or to discharge or deliver over any Military Offender in the Manner herein-before prescribed, shall forfeit for every such Offence the Sum of One hundred Pounds.

Penalty on purchasing Soldiers Necessaries, Stores, &c.

XCI. And be it enacted, That any Person who shall knowingly detain, buy, exchange, or receive from any Soldier or Deserter or any other Person, on any Pretence whatsoever, or shall solicit or entice any Soldier, or shall be employed by any Soldier, knowing him to be such, to sell any Arms, Ammunition, Clothes, or Military Furniture, or any Provisions, or any Sheets or other Articles used in Barracks provided under Barrack Regulations, or Regimental Necessaries, or any Article of Forage provided for any Horses belonging to Her Majesty's Service, or who shall have in his or her Possession or Keeping any such Arms, Ammunition, Clothes, Furniture, Provisions, Spirits, Articles, Necessaries, or Forage as aforesaid, and shall not give a satisfactory Account how he or she came by the same, or shall change the Colour of any Clothes as aforesaid, shall forfeit for every such Offence any Sum not exceeding Twenty Pounds, together with Treble Value of all or any of the several Articles of which such Offender shall so become possessed; and if any Person having been so convicted shall afterwards be guilty of any such Offence, and shall be convicted thereof by One or more Justices of the Peace, every such Offender shall for every such Offence forfeit any Sum not exceeding Twenty Pounds but not less than Five Pounds, and the Treble Value of all or any of the several Articles of which such Offender shall have so become possessed, and shall in addition to such Forfeiture be committed to the Common Gaol or House of Correction, there to be imprisoned only, or to be imprisoned and kept to hard Labour, for such Term not exceeding Six Calendar Months as the convicting Justice or Justices shall think fit; and upon any Information against any Person for a Second or any subsequent Offence a Copy of the Conviction, certified by the proper Officer having the Care or Custody of such Conviction, or any Copy of the same proved to be a true Copy, shall be sufficient Evidence to prove a Conviction of the former Offence; and if any credible Person shall prove on Oath before a Justice of the Peace, or Person exercising like Authority according to the Laws of the Part of Her Majesty's Dominions in which the Offence shall be committed, a reasonable Cause

Cause to suspect that any Person has in his or her Possession, or on his or her Premises, any Property of the Description herein-before described, on or with respect to which any such Offence shall have been committed, the Justice may grant a Warrant to search for such Property, as in the Case of stolen Goods; and if upon Search any such Property shall be found, the same shall and may be seized by the Officer charged with the Execution of such Warrant, who shall bring the Offender in whose Possession the same shall be found before such Justice, to be dealt with according to Law: Provided always, that it shall be lawful for the Legislature of each or of any of Her Majesty's Colonies, on the Recommendation of the Officer for the Time being administering the Government of any such Colony, but not otherwise, to make Provision by Law for reducing such pecuniary Penalty, if not exceeding Twenty Pounds, to such Amount as may to any such Legislature appear to be better adapted to the Ability and pecuniary Means of Her Majesty's Subjects and others inhabiting the same, which reduced Penalty shall be sued for and recovered in such and the same Manner as the full Penalty hereby imposed: Provided also, that it shall be competent to Her Majesty, or to the Person administering the Government of any such Colony on Her Majesty's Behalf, to exercise, in respect of the Laws so to be passed as aforesaid, all such Powers and Authorities as are by Law vested in Her Majesty or in any such Officer as aforesaid in respect of any other Law made or enacted by any such Colonial Legislature.

Penalties upon Civil Subjects offending against the Laws relating to Billets and Carriages.

XCII. And be it enacted, That if any Constable or other Person who by virtue of this Act shall be employed in billeting any Officers or Soldiers in any Part of the United Kingdom shall presume to billet any such Officer or Soldier in any House not within the Meaning of this Act, without the Consent of the Owner or Occupier thereof; or shall neglect or refuse to billet any Officer or Soldier on Duty, when thereunto required, in such Manner as is by this Act directed, provided sufficient Notice be given before the Arrival of such Troops; or shall receive, demand, or agree for any Money or Reward whatsoever, in order to excuse any Person from receiving such Officer or Soldier; or shall quarter any of the Wives, Children, Men or Maid Servants of any Officers or Soldiers, in any such Houses, against the Consent of the Occupiers; or shall neglect or refuse to execute such Warrants of the Justices as shall be directed to him for providing Carriages, Horses, or Vessels, or shall demand more than the legal Rates for the same; or if any Person ordered by any Constable in manner herein-before directed to provide Carriages, Horses, or Vessels shall refuse or neglect to provide the same according to the Orders of such Constable, or shall do any Act or Thing

Thing by which the Execution of any Warrants for providing Carriages, Horses, or Vessels shall be hindered; or if any Constable shall neglect to deliver in to the Justices at Quarter Sessions Lists of Officers and Soldiers of the Foot Guards quartered according to the Provisions of this Act, or shall cause to be delivered defective Lists of the same; or if any Person liable by this Act to have any Officer or Soldier quartered upon him shall refuse to receive and to afford proper Accommodation or Diet in the House in which such Officer or Soldier is quartered, and to furnish the several Things directed to be furnished to Officers and Soldiers, or shall neglect or refuse to furnish good and sufficient Stables, together with good and sufficient Hay and Straw, for each Horse, at the Rate established by this Act, and in such Quantities as shall be fixed by Her Majesty's Regulations, not exceeding Eighteen Pounds of Hay and Six Pounds of Straw *per Diem* for each Horse; or if any Innkeeper or Victualler not having good and sufficient Stables shall refuse to pay over to the Person or Persons who may provide Stabling such Allowance by way of Compensation as shall be directed by any Justice of the Peace, or shall pay any Sum or Sums of Money to any Soldier on the March in lieu of furnishing in Kind the Diet and Small Beer to which such Soldier is entitled, or if any Toll Collector shall demand and receive Toll from any of Her Majesty's Officers or Soldiers, they being in proper Staff or Regimental or Military Uniform, Dress or Undress, or for their Horses, or from any Recruits marching by Route, or from any Prisoners under Military Escort, or from any enrolled Pensioners in Uniform, when called out for Training or in aid of the Civil Power, or for any Carriages or Horses belonging to Her Majesty, or employed in Her Service under the Provisions of this Act, when conveying Persons or Baggage or returning therefrom, every such Constable, Victualler, Toll Keeper, or other Person respectively shall forfeit for every such Offence, Neglect, or Refusal any Sum not exceeding Five Pounds nor less than Forty Shillings.

Penalties upon the Military so offending.

XCIII. And be it enacted, That if any Military Officer shall take upon himself to quarter Soldiers otherwise than is limited and allowed by this Act, or shall use or offer any Menace or Compulsion to or upon any Mayors, Constables, or other Civil Officers, tending to deter and discourage any of them from performing any Part of their Duty under this Act, or tending to induce any of them to do anything contrary to their said Duty, such Officer shall for every such Offence (being thereof convicted before any Two or more Justices of the County by the Oath of Two credible Witnesses) be deemed and taken to be thereupon cashiered, and shall be utterly disabled to hold any Military Employment in Her Majesty's Service; provided that a Certificate thereof shall be transmitted by One of the said Justices to the Judge

Advocate

Advocate in *London*, who is hereby required to certify the same to the Commander in Chief and Secretary at War, and that the said Conviction be affirmed at some Quarter Sessions of the Peace of the said County held next after the Expiration of Three Months after such Certificate of the Justice shall have been transmitted as aforesaid; and if any Military Officer shall take, or knowingly suffer to be taken, any Money or Reward of any Person for excusing the quartering of Officers or Soldiers, or shall billet any of the Wives, Children, Men or Maid Servants of any Officer or Soldier, in any House, against the Consent of the Occupier, he shall, upon being convicted thereof before a General Court-martial, be cashiered; and if any Officer shall constrain any Carriage to travel beyond the Distance specified in the Justice's Warrant, or shall not discharge the same in due Time for their Return home on the same Day if it be practicable, except in the Case of Emergency for which the Justice shall have given Licence, or shall compel the Driver of any Carriage to take up any Soldier or Servant (except such as are sick) or any Woman to ride therein, except in Cases of Emergency as aforesaid, or shall force any Constable, by threatening Words, to provide Saddle Horses for himself or Servants, or shall force Horses from their Owners, or in *Ireland* shall force the Owner to take any Loading until the same shall be first duly weighed, if the same can be done within reasonable Time, or shall, contrary to the Will of the Owner or his Servant, permit any Person whatsoever to put any greater Load upon any Carriage than is directed by this Act, such Officer shall forfeit for every Offence any Sum not exceeding Five Pounds nor less than Forty Shillings.

Penalty on killing Game.

XCIV. And for the better Preservation of Game and Fish in or near such Places where any Officers shall at any Time be quartered, be it enacted, That every Officer who shall, without Leave in Writing from the Persons entitled to grant such Leave, take, kill, or destroy any Game or Fish in the United Kingdom of *Great Britain* and *Ireland*, and upon Complaint thereof shall be, upon the Oath of One or more credible Witnesses, convicted before any Justice, shall for every such Offence forfeit the Sum of Five Pounds.

Form of Actions at Law.

XCV. And be it enacted, That any Action which shall be brought against any Person for anything to be done in pursuance of this Act shall be brought within Six Months, and it shall be lawful for every such Person to plead thereunto the General Issue of Not Guilty, and to give all special Matter in Evidence to the Jury which shall try the Issue; and if the Verdict shall be for the Defendant in any such Action, or the Plaintiff therein become nonsuited, or suffer any Discon-

tinuance thereof, or if in *Scotland* such Court shall see fit to assoilzie the Defendant or dismiss the Complaint, the Court in which the said Matter shall be tried shall allow unto the Defendant Treble Costs, for which the said Defendant shall have the like Remedy as in other Cases where Costs by the Laws of this Realm are given to Defendants; and every Action against any Person for anything to be done in pursuance of this Act, or against any Member or Minister of a Court-martial in respect of any Sentence of such Court, or of anything done by virtue or in pursuance of such Sentence, shall be brought in some of the Courts of Record at *Westminster* or in *Dublin*, or the Court of Session in *Scotland*, and in no other Court whatsoever.

Recovery of Penalties.

XCVI. And be it enacted, That all Offences for which any Penalties and Forfeitures are by this Act imposed, not exceeding Twenty Pounds, over and above any Forfeiture of Value or Treble Value, shall and may be determined, and such Penalties and Forfeitures and Forfeiture of Value or Treble Value recovered, in every Part of the United Kingdom, by One or more Justice or Justices of the Peace, under the Provisions of an Act passed in the Eleventh and Twelfth Year of the Reign of Her Majesty Queen *Victoria*, intituled *An Act to facilitate the Performance of the Duties of Justices of the Peace out of Sessions, within* England *and* Wales, *with respect to summary Convictions and Orders:* Provided always, that in all Cases in which there shall not be sufficient Goods whereon any Penalty or Forfeiture can be levied, the Offender may be committed and imprisoned for any Time not exceeding Six Calendar Months; which said recited Act shall be used and applied in *Scotland* and in *Ireland*, for the Recovery of all such Penalties and Forfeitures, as fully to all Intents as if the said recited Acts had extended to *Scotland* and *Ireland*, anything in the said recited Acts to the contrary notwithstanding; and all such Offences committed in the *British* Isles, or in any of Her Majesty's Dominions beyond the Seas, may be determined, and the Penalties and Forfeitures and Forfeiture of Value or Treble Value recovered, before any Justices of the Peace, or Persons exercising like Authority, according to the Laws of the Part of Her Majesty's Dominions in which the Offence shall be committed; and all Penalties and Forfeitures by this Act imposed exceeding Twenty Pounds shall be recovered by Action in some of the Courts of Record at *Westminster* or in *Dublin*, or in the Court of Sessions in *Scotland*, and in no other Court in the United Kingdom, and may be recovered in the *British* Isles, or in any other Parts of Her Majesty's Dominions, in any of the Royal or Superior Courts of such Isles or other Parts of Her Majesty's Dominions.

11 & 12 Vict. c. 43.

XCVII. And

XCVII. And be it enacted, That One Moiety of every Penalty, not including any Treble Value of any Articles adjudged or recovered under the Provisions of this Act, shall go to the Person who shall inform or sue for the same, and the Remainder of the Penalty, together with the Treble Value of any Articles, or, where the Offence shall be proved by the Person who shall inform, the whole of the Penalty, shall be paid to the General Agent for the Recruiting Service in *London*, to be at the Disposal of the Secretary at War, anything in an Act passed in the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to provide for the Regulation of Municipal Corporations in* England *and* Wales, or in any other Act or Acts, to the contrary notwithstanding; and every Justice who shall adjudge any Penalty under this Act shall, within Four Days at the farthest, report the same to the Secretary at War.

Appropriation of Penalties.

5 & 6 W. 4. c. 76.

XCVIII. And be it enacted, That any Justice in the United Kingdom within whose Jurisdiction any Soldier in the Regular Army, or on the permanent Staff of the Militia, having a Wife or Child, shall be billeted, may summon such Soldier before him in the Place where he is billeted, (which Summons he is hereby directed to obey,) and take his Examination in Writing, upon Oath, touching the Place of his last legal Settlement in *England*, and such Justice shall give an attested Copy of such Examination to the Person examined, to be by him delivered to his Commanding Officer, to be produced when required; which said Examination and such attested Copy shall be at any Time admitted in Evidence as to such last legal Settlement before any Justice or at any General or Quarter Sessions, although such Soldier be dead or absent from the Kingdom; provided that in case any Soldier shall be again summoned to make Oath as aforesaid, then, on such Examination or such attested Copy thereof being produced by him or by any other Person on his Behalf, such Soldier shall not be obliged to take any other Oath with regard to his legal Settlement, but shall leave a Copy of such Examination, or a Copy of such attested Copy of Examination, if required.

Mode of recording a Soldier's Settlement.

XCIX. And be it enacted, That when any Person shall hold any Canteen under proper Authority of the Board of Ordnance, it shall be lawful for any Two Justices within their respective Jurisdictions to grant or transfer any Beer, Wine, or Spirit Licence to such Persons, without regard to Time of Year or to the Notices or Certificates required by any Act in respect of such Licences; and the Commissioners of Excise, or their proper Officers, within their respective Districts, shall also grant such Licences as aforesaid; and such Persons so holding Canteens, and having such Licences, may sell therein Victuals

Licences of Canteens.

Victuals and Exciseable Liquors, as empowered by such Excise Licence, without being subject to any Penalty or Forfeiture.

Attestation of Accounts.

C. And be it enacted, That all Muster Rolls and Pay Lists which are required to be verified by Declaration shall be so verified before and attested by any Justice without Fee or Reward to himself or to his Clerk.

Commissaries to attest their Accounts.

CI. And be it enacted, That all Commissaries upon making up their Accounts, and also upon returning from any Foreign Service, shall make the Declaration described in the Schedule to this Act annexed; which Declaration, if made in any Part of the United Kingdom, shall be made before some Justice, and if made on Foreign Service, before the Officer commanding in chief, or the Second in Command, or the Quarter Master or Deputy Quarter Master General or any Assistant Quarter Master General of the Army to which he shall be attached, who shall respectively have Power to administer and receive the same.

Administration of Oaths.

Perjury.

CII. And be it enacted, That all Oaths and Declarations which are authorized and required by this Act may be administered (unless where otherwise provided) by any Justice of the Peace, or Magistrate acting as such; and that any Person taking a false Oath or Declaration in any Case wherein an Oath or Declaration is required to be taken by this Act shall be deemed guilty of wilful and corrupt Perjury, or of making a false Declaration, and being thereof duly convicted shall be liable to such Pains and Penalties as by any Laws in force any Persons convicted of wilful and corrupt Perjury are subject and liable to.

Offences against former Mutiny Acts and Articles of War.

CIII. And be it enacted, That all Crimes and Offences which have been committed against any former Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters, or against any of the Articles of War made and established by virtue of the same, may, during the Continuance of this Act, be tried and punished in like Manner as if they had been committed against this Act; and every Warrant for holding any Court-martial under any former Act shall remain in full Force, and all Proceedings of Courts-martial convened and held under any such Warrant shall be continued notwithstanding the Expiration of such Act: Provided always, that no Person shall be liable to be tried or punished for any Offence against any of the said Acts or Articles of War which shall appear to have been committed more than Three Years before the Date of the Warrant for such Trial, unless the Person accused, by reason of his having absented himself, or of some other manifest Impediment, shall not

have

have been amenable to Justice within that Period, in which Case such Person shall be liable to be tried at any Time not exceeding Two Years after the Impediment shall have ceased.

CIV. And be it enacted, That this Act shall be and continue in force within *Great Britain* from the Twenty-fifth Day of *April* One thousand eight hundred and fifty inclusive until the Twenty-fifth Day of *April* One thousand eight hundred and fifty-one, and shall be and continue in force within *Ireland*, and in *Jersey*, *Guernsey*, *Alderney*, *Sark*, and *Isle of Man*, and the Islands thereto belonging, from the First Day of *May* One thousand eight hundred and fifty inclusive until the First Day of *May* One thousand eight hundred and fifty-one; and shall be and continue in force within the Garrison of *Gibraltar*, the *Mediterranean*, and in *Spain* and *Portugal*, from the First Day of *August* One thousand eight hundred and fifty inclusive until the First Day of *August* One thousand eight hundred and fifty-one; and shall be and continue in force in all other Parts of *Europe* where Her Majesty's Forces may be serving, and in the *West Indies* and *America*, from the First Day of *September* One thousand eight hundred and fifty inclusive to the First Day of *September* One thousand eight hundred and fifty-one; and shall be and continue in force within the *Cape of Good Hope*, the *Isle of France* or *Mauritius* and its Dependencies, *Saint Helena*, and the Western Coast of *Africa*, from the First Day of *January* One thousand eight hundred and fifty-one inclusive until the First Day of *January* One thousand eight hundred and fifty-two; and shall be and continue in force in all other Places from the First Day of *February* One thousand eight hundred and fifty-two inclusive until the First Day of *February* One thousand eight hundred and fifty-three: Provided always, that this Act shall, from and after the Receipt and Promulgation thereof in General Orders in any Part of Her Majesty's Dominions beyond the Seas, become and be in full Force, anything herein stated to the contrary notwithstanding. Duration of the Act.

CV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament. Alteration of the Act.

SCHEDULES referred to by the foregoing Act.

Form of Oaths to be taken by Members of Courts-martial.

YOU shall well and truly try and determine according to the Evidence in the Matter now before you. So help you GOD.

I do swear, That I will duly administer Justice, according to the Rules and Articles for the better Government of Her Majesty's Forces, and according to an Act now in force for the Punishment of Mutiny and Desertion, and other Crimes therein mentioned, without Partiality, Favour, or Affection, and if any Doubt shall arise which is not explained by the said Articles or Act, according to my Conscience, the best of my Understanding, and the Custom of War in the like Cases: And I further swear, That I will not divulge the Sentence of the Court until it shall be duly approved; neither will I, upon any account, at any Time whatsoever, disclose or discover the Vote or Opinion of any particular Member of the Court-martial, unless required to give Evidence thereof as a Witness by a Court of Justice or a Court-martial in due Course of Law. So help me GOD.

Form of Oath of a Judge Advocate.

I do swear, That I will not, upon any account whatsoever, disclose or discover the Vote or Opinion of any particular Member of the Court-martial, unless required to give Evidence thereof as a Witness by a Court of Justice or a Court-martial in a due Course of Law; and that I will not, unless it be necessary for the due Discharge of my official Duties, disclose the Sentence of the Court until it shall be duly approved. So help me GOD.

Notice to be given to a Recruit, or left at his Place of Abode or at the Place at which he stated that it was his Intention to sleep, agreeably to the Provisions of the Mutiny Act, within Forty-eight, but not sooner than Twenty-four, Hours after his Enlistment, the Hours of Sunday not being counted.

Date _____ 185 .

you enlisted with

at o'Clock* on the Day of

for the Regiment and if you do not come

forward on or before o'Clock* on the

* A.M. or P.M. as the Case may be.

for

for the Purpose of being taken before a Magistrate, either to be attested or to release yourself from your Engagement by repaying the enlisting Shilling and any Pay you have received as a Recruit, and by paying Twenty Shillings as Smart Money, you will be legally adjudged to be a Soldier without Attestation, and will be proceeded against as a Deserter.

Signature of the Officer, or Non-commissioned Officer, commanding the Party. } _____

Name of the Recruit _____

Residing at _____

QUESTIONS to be put separately by the JUSTICE to a RECRUIT ON ENLISTING.

1. What is your Name?
2. In what Parish, and in or near what Town, and in what County, were you born?
3. What is your Age?
4. What is your Trade or Calling?
5. Are you an Apprentice?
6. Are you married?
7. Are you ruptured or lame; have you ever been subject to Fits; or have you any Disability or Disorder which impedes the free Use of your Limbs, or unfits you for ordinary Labour?
8. Are you willing to be attested to serve in the Regiment of for the Term of [*this Blank to be filled up by the Justices with Ten Years for Infantry, and Twelve for Cavalry or Artillery or other Ordnance Corps, if the Person enlisted is of the Age of Eighteen Years or upwards; but if under that Age then the Difference between his Age and Eighteen is to be added to such Ten or Twelve Years (as the Case may be)*], provided Her Majesty should so long require your Services, and also for such further Term, not exceeding Two Years, as shall be directed by the Commanding Officer on any Foreign Station?
9. At what Place, on what Day, at what Hour of the Day, and by whom were you enlisted?
10. For what Bounty did you enlist?
11. Have you any Objection to make to the Manner of your Enlistment?
12. Do you now belong to the Militia?
13. Do you belong to any other Regiment, or to the Marines, Ordnance, or Navy, or to the Forces of the East India Company?
14. Have you ever served in the Army, Marines, Ordnance, or Navy, or in the Forces of the East India Company?

15. Have

Mutiny.

15. Have you ever been rejected as unfit for Her Majesty's Service, or for the Service of the East India Company, upon any prior Enlistment?

Note.—The Justice is directed in putting the Twelfth Question to the Recruit, and before he receives his Answer, distinctly to apprize the Recruit that if he belongs to the Militia, and denies the Fact, he is liable to Six Months Imprisonment.

Enlisting for Service in Her Majesty's Colonies.

Question 8. is to be put by the Justice as follows:

8. Are you willing to be attested to serve in Her Majesty's Colony of for the Term of [*this Blank to be filled up by the Justices with Ten Years for Infantry, and Twelve for Cavalry or Artillery or other Ordnance Corps, if the Person enlisted is of the Age of Eighteen Years or upwards; but if under that Age, then the Difference between his Age and Eighteen is to be added to such Ten or Twelve Years (as the Case may be)*], provided Her Majesty should so long require your Services, and also for such further Term, not exceeding Two Years, as shall be directed by the Commanding Officer on any Foreign Station?

Enlisting for either Her Majesty's or the East India Company's Service.

Question 8. is to be put by the Justice as follows:

8. Are you willing to be attested to serve in Her Majesty's Army, or in the Forces of the East India Company, according as Her Majesty shall think fit to order, for the Term of [*this Blank to be filled up by the Justices with Ten Years for Infantry, and Twelve for Cavalry or Artillery or other Ordnance Corps, if the Person enlisted is of the Age of Eighteen Years or upwards; but if under that Age, then the Difference between his Age and Eighteen is to be added to such Ten or Twelve Years (as the Case may be)*], provided your Services should so long be required, and also for such further Term, not exceeding Two Years, as shall be directed by the Commanding Officer on any Foreign Station?

Enlisting for the East India Company's Service.

Question 8. to be put by the Justice as follows:

8. Are you willing to be attested to serve the East India Company * for the Term of [*this Blank to be filled up by the Justices with Ten Years for Infantry, and Twelve for Cavalry or Artillery or other Ordnance Corps, if the Person*

* The Blank to be filled up with the Words Infantry or Artillery, as the Case may be.

enlisted

enlisted is of the Age of Eighteen Years or upwards; but if under that Age, then the Difference between his Age and Eighteen is to be added to such Ten or Twelve Years (as the Case may be)], provided the said Company should so long require your Services, and also for such further Term, not exceeding Two Years, as shall be directed by the Commanding Officer on any Foreign Station?

OATH to be taken by a RECRUIT on ATTESTATION.

I do make Oath, That the above Questions have been separately put to me; that the Answers thereto have been read over to me; and that they are the same that I gave, and are true.

I do also make Oath, That I will be faithful and bear true Allegiance to Her Majesty, Her Heirs and Successors, and that I will, as in Duty bound, honestly and faithfully defend Her Majesty, Her Heirs and Successors, in Person, Crown, and Dignity, against all Enemies, and will observe and obey all Orders of Her Majesty, Her Heirs and Successors, and of the Generals and Officers set over me.

So help me GOD.

Witness my Hand,

_____ *Signature of Recruit.*
_____ *Witness present.*

Sworn before me at this
Day of One thousand eight
hundred and
at o'Clock.

Signature of Justice, _____

If enlisting for either Her Majesty's or the East India Company's Service, the following Addition is to be made to the foregoing Oath:

And that if Her Majesty, Her Heirs or Successors, shall please to appoint me to serve in the Forces of the East India Company, then I swear that I will also be true to the said Company, and will duly observe and obey all their Orders, and the Orders of their Generals and Officers who shall be lawfully set over me.

If enlisting for the East India Company's Service, the following is to be added to the Oath:

And that I also will be true to the said Company, and will duly observe and obey all their Orders, and the Orders of their Generals and Officers who shall be lawfully set over me.

Mutiny.

CERTIFICATE to be given by the JUSTICE.

to wit. } I One of Her Majesty's Justices of the Peace of do hereby certify, That in my Presence all the foregoing Questions were put to ; that the Answers written opposite to them are those which he gave to me; and that the Fortieth and Forty-sixth Articles of the Articles of War were read over to him; that he took the Oath of Allegiance and Fidelity; that he received the Sum of on being attested this Day; that he was not attested until Twenty-four Hours had elapsed after he received Enlisting Money; that the Place where he swears that he enlisted is in the Vicinity of my Residence, or within the Division or District or Place for which I act; that I am not an Officer of the Army, and that I have given him a Duplicate of this Certificate, signed with my Name.

_____ *Signature of Justice.*

DECLARATION to be made by a SOLDIER renewing his Service.

I Number do declare, That I am at present (*or* was, *as the Case may be*,) in Captain Company in the Regiment; that I enlisted on the Day of for a Term of Years; that I am of the Age of Years; and that I will serve Her Majesty, Her Heirs and Successors, [*or* in the Forces of the East India Company, *as the Case may be*,] for a further Term of Years [*to be filled up with Eleven Years in the Infantry, and Twelve in the Cavalry or Artillery or other Ordnance Corps, and, in the Case of a Soldier about to embark for Foreign Service, with such Number of Years as shall be required to complete a total Service of Twenty-one Years in the Infantry or Twenty-four in the Cavalry or Artillery or other Ordnance Corps,*] provided my Services should so long be required, and also for such further Term, not exceeding Two Years, as shall be directed by the Commanding Officer on any Foreign Station.

Declared before me _____

_____ *Signature of Soldier.*

_____ *Signature of Witness.*

FORM of OATH to be taken by a MASTER whose APPRENTICE has absconded.

I of do make Oath, That I am by Trade a , and that was bound to serve as an Apprentice to me in the said Trade, by Indenture dated the Day of for the Term of Years; and that the said did on or about the Day of abscond and quit my Service without my Consent;

Mutiny.

Consent; and that to the best of my Knowledge and Belief the said is aged about Years. Witness my Hand at the Day of One thousand eight hundred and

Sworn before me at this Day of One thousand eight hundred and }

FORM of JUSTICE'S CERTIFICATE to be given to the MASTER of an APPRENTICE.

} I One of Her Majesty's Justices of the Peace
to wit. } of certify, That of came before me at the Day of One thousand eight hundred and , and made Oath that he was by Trade a , and that was bound to serve as an Apprentice to him in the said Trade, by Indenture dated the Day of for the Term of Years; and that the said Apprentice did on or about the Day of abscond and quit the Service of the said without his Consent, and that to the best of his Knowledge and Belief the said Apprentice is aged about Years.

FORM of DECLARATION of ATTESTATION of a COMMISSARY'S ACCOUNTS.

I do solemnly and sincerely declare, That I have not applied any Monies or Stores or Supplies under my Care or Distribution to my own Use, or to the private Use of any other Person by way of Loan to such Person or otherwise, or in any Manner applied them, or knowingly permitted them to be applied, to any other than public Purposes, according to the Duty of my Office; and I make this solemn Declaration conscientiously believing the same to be true, and by virtue of the Provisions of an Act passed in the Fifth and Sixth Years of the Reign of His Majesty King William the Fourth, Chapter 62, for the Abolition of unnecessary Oaths, and for substituting Declarations in lieu thereof.

Declared before me by the within-named this Day of }

Justice of the Peace of , or *Commander in Chief or Second in Command, et cætera, the Army serving in et cætera [as the Case may be].*

Mutiny.

No.

DESCRIPTION RETURN of committed to Confinement
at on the Day of as a Deserter
from the Regiment of

Age - - - - -	
Height - - - -	Feet. Inches.
Complexion - - - -	
Hair - - - - -	
Eyes - - - - -	
Marks - - - -	
Probable Date of Enlistment, and where	
Probable Date of Desertion, and from what Place - - - -	
* Name and Occupation and Address of the Person by whom apprehended	
* Particulars in the Evidence on which the Prisoner is committed - -	
* Whether the Prisoner was apprehended or voluntarily surrendered himself as a Deserter - -	
* Whether the Prisoner confessed before the Magistrate that he is a Deserter	

* It is important for the Public Service, and for the Interest of the Deserter, that this Part of the Return should be accurately filled up, and the Details should be inserted by the Magistrate in his own Handwriting, or, under his Direction, by his Clerk.

I do hereby certify, that the Prisoner has been duly examined before me as to the Circumstance herein stated, and has declared in my Presence that he † a Deserter from the above-mentioned Corps.

——————— *Signature and Address of Magistrate.*
——————— *Signature of Prisoner.*
——————— *Signature of Informant.*

† Insert "is" or "is not," as the Case may be.

I certify, that I have inspected the Prisoner, and consider him ‡ for Military Service.

——————— *Signature of Military Medical Officer, or of Private Medical Practitioner.*

‡ Insert "fit" or "unfit," as the Case may be; and if unfit, state the Cause of Unfitness.

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Printers to the Queen's most Excellent Majesty. 1850.

ANNO DECIMO TERTIO

VICTORIÆ REGINÆ.

***

of any other Crime in breach of good Order and Discipline, be brought to a more exemplary and speedy Punishment than the usual Forms of the Law will allow: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for the said Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral aforesaid, to make, ordain, and establish Rules and Articles of War under the Hand of the said Lord High Admiral, or under the Hands of any Two or more of the said Commissioners, for the better Government of Her Majesty's Royal Marine Forces, and for the Punishment of Mutiny, Desertion, Immorality, Breach of Discipline, Misbehaviour, Neglect of Duty, and any other Offence or Misconduct of which they shall be guilty, in any Place on shore or afloat in or out of Her Majesty's Dominions, or at any Time when or under any Circumstances in which they shall not be amenable to the Laws for the Government of Her Majesty's Ships, Vessels, and Forces by Sea, or to the Discipline of the Royal Navy, which Rules and Articles shall be judicially taken notice of by all Judges and in all Courts whatsoever; and Copies of the same shall, as soon as conveniently may be after the same shall have been made, be transmitted by the Secretary of the Admiralty for the Time being (certified under his Hand) to the Judges of Her Majesty's Superior Courts at *Westminster*, *Dublin*, and *Edinburgh* respectively, and also to the Governors of Her Majesty's Dominions abroad; provided that no Person within the United Kingdom of *Great Britain* and *Ireland* or the *British* Isles shall by such Articles be subject to be transported as a Felon or to suffer any Punishment extending to Life or Limb, except for Crimes which are by this Act expressly made liable to such Transportation or to such Punishment as aforesaid, or shall be subject, with reference to any Crimes made punishable by this Act, to be punished in any Manner which shall not accord with the Provisions of this Act.

Lord High Admiral, &c. may make Articles for the Punishment of Mutiny, Desertion, &c.

II. And be it enacted, That all Crimes and Offences committed against any former Act made for the Regulation of the Royal Marine Forces while on shore, or against any of the Rules, Regulations, or Articles of War made and established by virtue of the same, may during the Continuance of this Act be tried, inquired of, and punished in like Manner as if they had been committed against this Act; and every Warrant for holding any Court-martial under any former Act shall remain in full Force notwithstanding the Expiration of such Act; and all Proceedings of any Court-martial upon any Trial begun under the Authority of such former Act shall not be discontinued by the Expiration of the same: Provided always, that

Offences against former Mutiny Acts and Articles of War.

no

no Person shall be liable to be tried and punished for any Offence against any of the said Acts or Articles of War which shall appear to have been committed more than Three Years before the Date of the Commission or Warrant for such Trial, unless the Person accused, by reason of his having absented himself, or of some other manifest Impediment, shall not have been amenable to Justice within that Period, in which Case such Person shall be liable to be tried at any Time not exceeding Two Years after the Impediment shall have ceased; and provided also, that if any Officer or Marine in any Place beyond the Seas shall commit any of the Offences punishable by Court-martial under this Act, and shall escape, and come or be brought into this Realm before he be tried for the same, he shall, when apprehended, be tried for the same as if such Offence had been committed within this Realm.

Limitation as to Time.

III. And be it enacted, That this Act shall extend to the Islands of *Jersey*, *Guernsey*, *Alderney*, *Sark*, and *Man*, and the Islands thereto belonging, as to the Provisions therein for enlisting of Recruits, whether Minors or of full Age, and swearing and attesting such Recruits, and for mustering and paying, and to the Provisions for Trial and Punishment of Officers and Marines who shall be charged with Mutiny and Desertion or any other of the Offences which are by this Act declared to be punishable by the Sentence of a Court-martial, and also to the Provisions which relate to the Punishment of Persons who shall conceal Deserters, or shall knowingly buy, exchange, or otherwise receive any Arms, Clothes, Military Furniture, or Regimental Necessaries from any Marine or Deserter, or who shall cause the Colour of any such Clothes to be changed; and also to the Provisions for exempting Marines from being taken out of Her Majesty's Service for not supporting or for leaving chargeable to any Parish any Wife or Child or Children, or on account of any Breach of Contract to serve or work for any Employer, or on account of any Debts under Thirty Pounds in the said Islands.

Act to extend to Jersey, &c.

IV. And be it enacted, That nothing in this Act contained shall be construed to exempt any Officer or Marine from being proceeded against by the ordinary Course of Law for Crimes thereby cognizable; and any Commanding Officer who shall neglect or refuse, when due Application shall be made to him for that Purpose, to deliver over to the Civil Magistrate any Officer or Marine charged with any capital Offence, or with any Violence or Offence against the Person or Property of any of Her Majesty's Subjects punishable by the known Laws of the Land, or who shall wilfully obstruct, neglect, or refuse to assist any Peace Officer in apprehending any such Offender, shall, upon Conviction thereof in any of Her Majesty's Courts at *Westminster*,

The ordinary Course of Law not to be interfered with.

Westminster, *Dublin*, or *Edinburgh*, be deemed to be thereupon cashiered, and shall be utterly disabled to hold any Civil or Military Office or Employment in Her Majesty's Service; and a Certificate of such Conviction shall be transmitted to the Secretary of the Admiralty.

No Person tried by Civil Power to be punished by Court-martial for same Offence except by cashiering.

V. And be it enacted, That no Person who shall have been tried before any of the ordinary Courts of Law for any Crime cognizable in such Courts shall be liable to be punished for the same by any Court-martial otherwise than by cashiering; and whenever any Officer or Marine shall have been tried before a Court of ordinary Criminal Jurisdiction, the Clerk of the Court or other Officer having the Custody of the Records of such Court, or the Deputy of such Clerk, shall, if required by the Officer commanding the Division to which such Officer or Marine belongs, transmit to him a Certificate containing the Substance and Effect only, omitting the formal Part, of the Indictment, Conviction, and Entry of Judgment thereon or Acquittal of such Officer or Marine, and shall be allowed for such Certificate a Fee of Three Shillings.

Marines to be subject to the Discipline of the Navy while on board Ship.

VI. And it is hereby declared and enacted, That all of Her Majesty's Royal Marine Forces shall, during the Time they shall be respectively borne on the Books of any of Her Majesty's Ships or Vessels in Commission, either as Part of the Complement or as Supernumeraries, or otherwise, be subject and liable in every respect to the Laws for the Government of Her Majesty's Forces by Sea, and to the Rules and Discipline of the Royal Navy, and shall and may be proceeded against and punished for Offences committed by them whilst so borne, in the same Manner as the Officers and Seamen employed in the Royal Navy may be tried or punished; except when and so long as any Marine Officers or Marines shall be landed from any of Her Majesty's Ships, and be employed in Military Operations on shore, and when on such Occasions the senior Naval Officer present shall deem it expedient to issue an Order declaring that such Marine Officers and Marines shall during such Employment on shore be subject to the Regulations of this Act, in which Cases, and while such Order shall remain in force, they shall be subject to such Regulations, and be tried and punished under this Act accordingly, for any Offences to be committed by them while so on shore: Provided always, that if any Marine Officer or Marine so borne on the Books of any of Her Majesty's Ships shall commit any Offence for which he shall not be amenable to a Naval Court-martial or to Naval Discipline, he shall be tried and punished for the same in the same Manner as other Marines may be tried and punished for the like Offences under the Authority of this Act.

VII. And

VII. And be it enacted, That it shall be lawful for the said Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral aforesaid, from Time to Time to grant Commissions or Warrants under the Hand of the said Lord High Admiral, or under the Hands of any Two or more of the said Commissioners, for the holding of General and other Courts-martial within the United Kingdom of *Great Britain* and *Ireland*, and elsewhere out of the same, in like Manner as has been heretofore used, and for bringing Offenders against this Act and the Articles of War to Justice, and to erect and constitute Courts-martial, as well within the said United Kingdom and the *British* Isles as in any of Her Majesty's Garrisons or Dominions or elsewhere beyond the Seas, and to grant Commissions or Warrants to the Officer or Officers commanding in chief or commanding for the Time being any of Her Majesty's Royal Marine Forces, as well within the said United Kingdom as Her Majesty's other Dominions, and in any Foreign Parts out of the same Dominions, for convening, as well as for authorizing any Officer to convene, Courts-martial, as Occasion may require, for the Trial of Offences committed by any of the Royal Marine Forces under their Command, whether the same shall have been committed before or after such Officer shall have taken upon himself such Command, the Officer so authorized not being however below the Degree of a Field Officer, except upon the Western Coast of *Africa*, where a Captain may be authorized to convene District or Garrison Courts-martial; and any Person subject to this Act, who shall in any of Her Majesty's Dominions or elsewhere commit any of the Offences for which he may be liable to be tried by Court-martial by virtue of this Act or the Articles of War, may be tried and punished for the same in any Part of Her Majesty's Dominions, or other Place where he may have come after the Commission of the Offence, as if the Offence had been committed where such Trial shall take place.

Lord High Admiral, &c. may grant Commissions for holding General Court-martial, &c.

VIII. And be it enacted, That a General Court-martial convened in *Saint Helena*, *Africa*, *Honduras*, *New Zealand*, the *Australian* Colonies, and the Settlements on the Coast of *China*, shall consist of not less than Five Commissioned Officers; that if convened in *Jamaica*, *Newfoundland*, *Bermuda*, or the *Bahamas*, or in any Part out of the Queen's Dominions, excepting the Parts afore mentioned, it shall consist of not less than Seven; and that if convened in any other Part of the Queen's Dominions, or of the Settlements of the *East India* Company, it shall consist of not less than Thirteen Commissioned Officers, and shall have Power to sentence any Officer or Soldier to suffer Death, Transportation, or any other Punishment which shall accord with the Provisions of this Act.

General Courts-martial.

District or Garrison Courts-martial.

IX. And be it enacted, That a District or Garrison Court-martial shall consist of not less than Seven Commissioned Officers, except in *Bermuda*, the *Bahamas*, *Saint Helena*, *Jamaica*, *Honduras*, *Newfoundland*, *New Zealand*, the *Australian* Colonies, the *Windward* and *Leeward Islands*, *British Guiana*, and the Settlements on the Coast of *China*, where it may consist of not less than Five Commissioned Officers, and in *Africa*, where it may consist of not less than Three Commissioned Officers; and such Court-martial shall have the same Power as a General Court-martial to sentence any Marine to such Punishments as shall accord with the Provisions of this Act; provided that the Sentence of a District or Garrison Court-martial shall be confirmed by the General Officer, Governor, or Senior Officer in Command of the District, Garrison, Island, or Colony, and that such Court-martial shall not have Power to try a Commissioned Officer, nor to pass any Sentence of Death or Transportation.

Divisional and Detachment Courts-martial.

X. And be it enacted, That a Divisional or Detachment Court-martial shall consist of not less than Five Officers, unless it be found to be impracticable to assemble that Number, when Three shall be sufficient, and shall have Power to sentence any Marine to Corporal Punishment, or to Imprisonment, and Forfeiture of Pay, in such Manner as shall accord with the Provisions of this Act.

Courts-martial on Line of March or in Transport Ships, &c.

XI. And be it enacted, That in Cases of Mutiny and gross Insubordination, or of other Offences committed on the Line of March, or on board any Transport Ship, Convict Ship, or Merchant Vessel, the Offence may be tried by a Divisional or Detachment Court-martial, and the Sentence confirmed and carried into execution on the Spot by the Officer in immediate Command, provided that the Sentence shall not exceed that which a Divisional Court-martial is competent to award.

Courts-martial in special Cases out of the Queen's Dominions.

XII. And be it enacted, That it shall be lawful for any Officer commanding any District Detachment or Portion of Her Majesty's Royal Marine Forces which may at any Time be serving out of Her Majesty's Dominions, upon Complaint made to him of any Offence committed against the Property or Person of any Inhabitant of or Resident in any such Countries by any Person under the immediate Command of any such Officer, to summon and cause to be assembled a Detachment General Court-martial, which shall consist of not less than Three Officers, for the Trial of any such Person, notwithstanding such Officer shall not have received any Warrant empowering him to assemble Courts-martial; and every such Court-martial shall have the same Powers in regard to summoning and examining Witnesses, Trial of and Sentence upon Offenders, as are granted by this Act to General Courts-

Courts-martial: Provided always, that no Sentence of any such Detachment Court-martial shall be executed until the Officer commanding the Army to which the Division, Brigade, Detachment, or Party to which any Person so tried shall belong shall have approved and confirmed the same.

XIII. And be it enacted, That, when necessary or expedient, Officers of Her Majesty's Land Forces and of the Royal Marines may sit in conjunction on Courts-martial, whether the Commanding Officer by whose Order such Court-martial is assembled belongs to the Land or Marine Forces; and when the Person to be tried shall belong to the Royal Marines, then the Proceedings of such Court-martial shall be regulated according to the Provisions of this Act; but where the Person to be tried shall belong to Her Majesty's Land Forces, then the Provisions of the Act passed in the present Session of Parliament for the Punishment of Mutiny and Desertion, and for the better Payment of the Army and their Quarters, and the Oaths therein prescribed, shall be applicable.

Officers of the Marine and Land Forces may sit in conjunction on Courts-martial.

XIV. And be it enacted, That, provided there be no Superior Officer of Her Majesty's Land Forces present in Command of a District, Garrison, Station, or Place where Marines may be serving, it shall be lawful for any Officer of the Royal Marine Corps, of the Degree of a Field Officer, and holding a Commission from the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, for that Purpose, but not otherwise, to convene or assemble a District or Garrison Court-martial, to be composed as afore stated, and for such Court to proceed to try any Marine or Marines below the Rank of Commissioned Officer for any of the Offences cognizable by a District or Garrison Court-martial, and that such Courts so convened shall possess the same Power and Authority in awarding Punishments in all respects as if the Court had been assembled under the Act for the Time being for punishing Mutiny and Desertion in the Army: Provided always, that the Sentence so awarded shall not be carried into effect until the Senior Officer of the Royal Marines in the District, Garrison, Station, or Place, not being a Member of the Court, shall have confirmed the same.

If no Superior Officer of Land Forces is present in Command of a District, &c. an Officer of Marines may convene a Court-martial.

XV. And be it enacted, That the President of every Court-martial shall be appointed by the Authority convening such Courts, and shall in no Case be the Officer commanding in chief, or Governor of the Garrison where the Offender shall be tried, nor the Commanding Officer of the Division to which the Prisoner belongs, nor, in the Case of a General Court-martial, under the Degree of a Field Officer, unless where a Field Officer cannot be had, nor in any Case whatsoever

President of Court-martial.

soever under the Degree of a Captain, save in the Case of a Detachment General Court-martial holden out of Her Majesty's Dominions, or of a Divisional or Detachment Court-martial holden on the Line of March, or on board a Transport Ship, Convict Ship, Merchant Vessel, or Troop Ship not in Commission, or on any Foreign Station where a Captain cannot be had.

Proceedings at Trial.

XVI. And be it enacted, That in all Trials by Court-martial, as soon as the President and other Officers appointed to serve thereon shall be assembled, their Names shall be read over in the Hearing of the Prisoner, who shall thereupon be asked if he objects to being tried by the President or by any of such Officers, and if the Prisoner shall then object to the President such Objection shall be referred to the Decision of the Authority by whom such President shall have been appointed, but if he object to any Officer other than the President such Objection shall be decided by the President and the other Officers so aforesaid appointed to form the Court; and when the Place of the President or other Officer, in respect of whom any Challenge shall have been made and allowed, shall be supplied by some Officer in respect of whom no Challenge shall be made or allowed, or if no Challenge whatever shall have been made, or, if made, not allowed, the President and the other Officers composing a General Court-martial shall take the Oaths in the Schedule to this Act annexed before the Judge Advocate or his Deputy, or Person officiating as such, and on Trials by other Courts-martial, before the President of such Court, who are hereby respectively authorized to administer the same, and any sworn Member may administer the Oath to the President; and as soon as the said Oaths shall have been administered to the respective Members, the President of the Court is hereby authorized and required to administer to the Judge Advocate, or the Person officiating as such, the Oath in the Schedule to this Act annexed; and no Proceeding or Trial shall be had upon any Offence but between the Hours of Eight of the Clock in the Morning and Four in the Afternoon, except in Cases which require an immediate Example, and except in the *East Indies*, where such Proceedings or Trial may be had between the Hours of Six in the Morning and Four in the Afternoon.

Swearing and summoning Witnesses.

XVII. And be it enacted, That all General and other Courts-martial shall have Power and Authority and are hereby required to administer an Oath to every Witness or other Person who shall be examined before such Court in any Matter relating to any Proceeding before the same; and every Person, as well Civil as Military, who may be required to give or produce Evidence before a Court-martial, shall, in the Case of General Courts-martial, be summoned by the

Judge Advocate, or the Person officiating as such, and in the Case of all other Courts-martial, by the President of the Court; and all Persons so summoned and attending as Witnesses before any Court-martial shall, during their necessary Attendance in or on such Courts, and in going to and returning from the same, be privileged from Arrest, and shall, if unduly arrested, be discharged by the Court out of which the Writ or Process issued by which such Witness was arrested, or if such Court be not sitting, then by any Judge of the Superior Courts of *Westminster* or *Dublin*, or the Court of Session in *Scotland*, or of the Courts of Law in the *East* or *West Indies*, or elsewhere, according as the Case shall require, upon its being made to appear to such Court or Judge by any Affidavit in a summary Way that such Witness was arrested in going to or returning from or attending upon such Court-martial; and all Witnesses so duly summoned as aforesaid who shall not attend on such Courts, or attending shall refuse to be sworn, or not produce the Documents being under their Power or Control required to be produced by them, or, being sworn, shall refuse to give Evidence or to answer all such Questions as the Court may legally demand of them, shall be liable to be attached in the Court of Queen's Bench in *London* or *Dublin*, or the Court of Session, or Sheriff Depute or Stewarts Depute or their respective Substitutes within their several Shires and Stewartries, in *Scotland*, or Courts of Law in the *East* or *West Indies*, or in any of Her Majesty's Colonies, Garrisons, or Dominions in *Europe* or elsewhere, respectively, upon Complaint made, in like Manner as if such Witness had, after being duly summoned or subpœnaed, neglected to attend on a Trial in any Proceeding in the Court in which such Complaint shall be made.

Previous Convictions to be put in Evidence.

XVIII. And be it enacted, That after a Prisoner has been found guilty of any Charge or Charges the Court before which any such Prisoner shall have been tried may, before passing Sentence on such Prisoner, and for the Purpose only of affixing Punishment, receive in Evidence against him any previous Convictions by Courts-martial, and in like Manner and for the like Purpose the Court shall receive in Evidence any previous Conviction of such Prisoner by a Court of ordinary Criminal Jurisdiction, where the Offence charged in the Indictment was of a felonious, fraudulent, or unnatural Nature; and in the Case of Convictions by Courts-martial, a Certificate, which shall purport to contain a Copy of the Charges, Finding and Sentence of the Court, and of the Minute of the Infliction or Remission of all or any Part of such Sentence, made from the original Minutes of such Court or from the Court-martial Book, and which shall further purport to be signed by the Judge Advocate, or by the Officer officiating as such, or by the Officer confirming the Proceedings, in case such Copy be taken from the original Minutes, or by the Commanding Officer,

Adjutant, or other Officer having the Custody of the Court-martial Book, in case such Copy be taken from the said Book, shall be sufficient Evidence of such Conviction; and it shall not be necessary to prove the Signature or official Character of the Person appearing to have signed such Certificate, nor, if the Court be satisfied from all the Circumstances of the Case that the Prisoner under Trial is the Person mentioned in any such Certificate, shall it be necessary to give other Proofs of the Identity of the Person of the Offender; and in the Case of a Conviction by a Court of ordinary Criminal Jurisdiction, any Certificate transmitted as herein-before provided to the Officer commanding by the Clerk of any such Court or other Officer having Custody of the Records of such Courts, or the Deputy of such Clerk, containing the Substance and Effect of any Indictment, omitting the formal Part, together with the Judgment of the Court thereon, and purporting to be signed by such Clerk or other Officer, or by the Deputy of such Clerk, shall be sufficient Evidence of such last-mentioned Conviction; and it shall not be necessary to prove the Signature or official Character of the Person appearing to have signed such last-mentioned Certificate, nor, if the Court be satisfied from all the Circumstances of the Case that the Prisoner under Trial is the Person mentioned in such Certificate, shall it be necessary to give other Proofs of the Identity of the Person of the Offender: Provided always, that before any such Evidence shall be received it shall be proved to the Satisfaction of the Court that the said Prisoner had previously to his Trial received Notice of the Intention to produce such Evidence against him; and provided also, that the Court shall in no Case award to him any other Punishment or Punishments than may by this Act and by the Articles of War be awarded for the Offence of which he shall have been so found guilty.

Report of Proceedings of Courts-martial.

XIX. And be it enacted, That every Judge Advocate, or Person officiating as such, at a General Court-martial, and the President of every District or Garrison Court-martial, are required to transmit, with as much Expedition as the Opportunity of Time and Distance of Place can admit, the original Proceedings and Sentence thereof to the Secretary of the Admiralty for the Time being; and any Person tried by a General Court-martial, or any Person on his Behalf, shall be entitled, on Demand, to a Copy of such Sentence and Proceedings (paying reasonably for the same), whether such Sentence shall be approved or not, at any Time not sooner than Six Months if the Trial took place at *Gibraltar* or in the *Mediterranean*, Three Months if at any other Station within *Europe*, and Twelve Months if elsewhere in Her Majesty's Dominions; provided that such Demand as aforesaid shall have been made within the Space of Three Years from the Date of the Approval or other final Decision upon the Proceedings before such General Court-martial.

XX. And

XX. And be it enacted, That no Officer or Soldier being acquitted or convicted of any Offence shall be liable to be tried a second Time by the same or any other Court-martial for the same Offence, and that no Finding, Opinion, or Sentence given by any Court-martial, and signed by the President thereof, shall be revised more than once, nor shall any additional Evidence be received by the Court on any Revision.

No second Trial, but Revision allowed.

XXI. And be it enacted, That if any Person who is or shall be commissioned or in Pay as an Officer of Royal Marines, or who is or shall be listed or in Pay as a Non-commissioned Officer, Drummer, or Private Man in Her Majesty's Royal Marine Forces, shall at any Time during the Continuance of this Act, while on shore in any Place within the said Kingdom, or in any other of Her Majesty's Dominions, or in any Foreign Parts out of such Dominions, or on board any Transport Ship, or Merchant Ship or Vessel, or any Ship or Vessel of Her Majesty, or on board any Convict Hulk or Ship, or any other Ship or Vessel, or in any Place whatever, where or while being in any Circumstances in which he shall not be subject to, or not be liable to or punishable by, the Laws relating to the Government of Her Majesty's Forces by Sea, begin, excite, cause, or join in any Mutiny or Sedition in Her Majesty's Marine or other Forces, or shall not use his utmost Endeavours to suppress any such Mutiny or Sedition, or coming to the Knowledge of any Mutiny or intended Mutiny shall not without Delay give Information thereof to his Commanding Officer; or shall misbehave himself before the Enemy; or shall shamefully abandon or deliver up any Garrison, Fortress, Post, or Guard committed to his Charge, or which he shall be commanded to defend; or shall compel the Governor or Commanding Officer of any Garrison, Fortress, or Post to deliver up to the Enemy or to abandon the same; or shall speak Words or use any other Means to induce such Governor or Commanding Officer or any other to misbehave before the Enemy, or shamefully to abandon or deliver up any Garrison, Fortress, Post, or Guard committed to their respective Charge, or which he or they shall be commanded to defend; or shall leave his Post before relieved, or shall be found sleeping on his Post; or shall hold Correspondence with or give Advice or Intelligence to any Rebel, Pirate, or Enemy of Her Majesty, either by Letters, Messages, Signs, Tokens, or any other Ways or Means whatever; or shall treat or enter into any Terms with any such Rebel, Pirate, or Enemy, without the Licence of the Lord High Admiral of the said United Kingdom, or the Commissioners for executing the Office of Lord High Admiral aforesaid, for the Time being; or shall strike or use or offer any Violence against his Superior Officer being in the Execution of his Office, or shall disobey

Crimes punishable with Death.

disobey any lawful Command of his Superior Officer; or who being confined in a Military Prison shall offer any Violence against a Visitor or other Officer being in the Execution of his Office, or shall violate any Law or Regulation of or relating to any Military Prison; or shall desert Her Majesty's Service; every Person so offending in any of the Matters before mentioned shall suffer Death, or such other Punishment as by a Court-martial shall be awarded.

Judgment of Death.

XXII. And be it enacted, That no Judgment of Death by Court-martial shall pass unless Two Thirds at least of the Officers present shall concur therein.

Commutation of Death for Transportation.

XXIII. And be it enacted, That whensoever any General Court-martial by which any Marine shall have been tried and convicted of any Offence punishable with Death shall not think the Offence deserving of Capital Punishment, such Court-martial may adjudge the Offender, according to the Degree of the Offence, to be transported as a Felon for Life or for a certain Term of Years, or may sentence him to general Service as a Marine or as a Soldier in any Corps and in any Country or Place which Her Majesty shall thereupon direct, or may, if such Offender shall have enlisted for a limited Term of Years, sentence him to serve for Life as a Marine or as a Soldier in any Corps which Her Majesty shall please to direct: Provided always, that in all Cases where a Capital Punishment shall have been awarded by a General Court-martial it shall be lawful for Her Majesty, or, if in the *East Indies*, for the Officer commanding in chief the Forces in *India*, instead of causing such Sentence to be carried into execution, to order the Offender to be transported as a Felon, either for Life or for a certain Term of Years, as shall seem meet to Her Majesty, or, if in the *East Indies*, to the Officer commanding as aforesaid.

Embezzlement punishable by Transportation.

XXIV. And be it enacted, That every Officer and other Person employed in any Manner in the Care or Distribution of any Money, Provisions, Forage, or Stores belonging to Her Majesty's Royal Marine Forces or for their Use, who shall embezzle or fraudulently misapply, damage, or be concerned in or connive at the Embezzlement, fraudulent Misapplication, or Damage of any Money, Provisions, Forage, Arms, Clothing, Ammunition, or other Military or Royal Marine Stores, may be tried for the same by a General Court-martial, which may adjudge any such Offender to be transported as a Felon for Life or for any certain Term of Years, or to suffer such Punishment of Fine, Imprisonment, Dismissal from Her Majesty's Service, and Incapacity of serving Her Majesty in any Office, Civil or Military, as such Court shall think fit, according to the Nature and Degree of

the Offence; and every such Offender shall, in addition to any other Punishment, make good at his own Expense the Loss and Damage sustained, which shall have been ascertained by such Court-martial; and in every such Case the Court is required to ascertain by Evidence the Amount of the Loss or Damage incurred, and to declare by their Sentence that such Amount shall be made good by such Offender; and the Loss and Damage so ascertained as aforesaid shall be a Debt to Her Majesty, and may be recovered in any of Her Majesty's Courts at *Westminster* or in *Dublin*, or the Court of Exchequer in *Scotland*, or in any Court in Her Majesty's Colonies where the Person sentenced by such Court-martial shall be resident after the said Judgment shall be confirmed and made known; and every Officer sentenced to be transported as a Felon, when such Sentence shall be duly confirmed, shall thereupon cease to belong to Her Majesty's Service, and for ever be incapable of serving Her Majesty in any Military Capacity.

Transportation of Offenders.

XXV. And be it enacted, That whenever Her Majesty shall intend that any Sentence of Transportation heretofore or hereafter to be passed upon any Offender by any Court-martial shall be carried into execution for the Term specified in such Sentence, or for any shorter Term, or shall be graciously pleased to commute, as herein provided, any Sentence of Death which shall have been passed by any such Court, such Sentence, together with Her Majesty's Pleasure upon the same, shall be notified in Writing by the Lord High Admiral, or by any Two or more of the Commissioners for executing the said Office of Lord High Admiral, for the Time being, to any Justice of the Queen's Bench, Common Pleas, or Baron of the Exchequer, and thereupon such Justice or Baron shall make an Order for the Transportation of such Offender upon the Terms and for the Time which shall be specified in such Notification, and shall also do all such other Acts consequent upon such Notification as any such Justice or Baron is authorized to make or do by any Statute or Statutes in force at the Time of making any such Orders in relation to the Transportation of Offenders; and such Order, and other Acts to be so made and done as aforesaid, shall be obeyed and executed by such Person in whose Custody such Offender shall at that Time be, and by all other Persons whom it may concern, and shall be as effectual, and have all the same Consequences, as any Order made under the Authority of any Statute with respect to any Offender in such Statute mentioned; and every Sheriff, Gaoler, Keeper, Governor, or Superintendent whom it may concern, and all Constables and other Persons, shall be bound to obey the aforesaid Order and Orders, be assistant in the Execution thereof, and be liable to the same Punishment for Disobedience or interrupting the Exe-

cution of such Order, as they would be if the same had been made under the Authority of any such Act of Parliament; and every Person so ordered to be transported as aforesaid shall be subject respectively to all and every the Penalties and Provisions made by Law and in force concerning Persons convicted of any Crime and sentenced to be transported, or receiving Her Majesty's Pardon on Condition of Transportation; and from the Time when such Order of Transportation shall be made every Law and Statute in force touching the Escape of Felons, or their afterwards returning or their being at large without Leave, shall apply to such Offender, and to all Persons aiding, abetting, contriving, or assisting in any Escape or intended Escape, or the returning without Leave, of any such Offender; and the Judge who shall make any Order of Transportation as aforesaid shall direct the Notification of Her Majesty's Pleasure, and his own Order made thereupon, to be filed and kept of Record in the Office of the Clerk of the Crown of the Court of Queen's Bench; and the said Clerk shall have a Fee of Two Shillings and Sixpence only for filing the same, and shall, on Application, deliver a Certificate in Writing (not taking more than Two Shillings and Sixpence for the same) to such Offender, or to any Person applying in his or Her Majesty's Behalf, showing the Christian and Surname of such Offender, his Offence, the Place where the Court was held before which he was convicted, the Sentence, and the Conditions on which the Order of Transportation was given; which Certificate shall be sufficient Proof of the Conviction and of the Sentence of such Offender, and also of the Terms in which such Order for his Transportation was given, in any Court and in any Proceeding wherein it may be necessary to inquire into the same.

In the Colonies.

XXVI. And be it enacted, That whenever any Sentence of Transportation heretofore or hereafter passed upon any Offender by any Court-martial holden in the *East Indies*, or in any Part of Her Majesty's Foreign Dominions, is to be carried into execution for the Term specified in such Sentence, or for any shorter Term, or when Sentence of Death has been or shall as aforesaid be commuted to Transportation, the same shall be notified by the Officer commanding Her Majesty's Forces at the Presidency or Station to some Judge of One of the Supreme Courts of Judicature in the *East Indies*, or Chief Justice or some other Judge, as the Case may be, in any Part of Her Majesty's Foreign Dominions, who shall make Order for the Transportation or intermediate Custody of such Offender in like Manner as for the Transportation or intermediate Custody of any other Convict; and upon any such Order being made it shall be duly notified to the Governor of the Presidency if in the *East Indies*, or to the Governor of the Colony if in any of Her Majesty's Colonies, or to the Person who shall for the Time being be exercising the Office of Governor of

such

such Presidency or Colony, who on Receipt of such Notification shall cause such Offender to be removed to some Colony or Place in obedience to the Directions for the Removal of Convicts which shall from Time to Time be transmitted from Her Majesty through One of Her Principal Secretaries of State to such Presidency or Colony; and such Offender on being so removed shall undergo the Sentence of Transportation which has been passed upon him in the Colony or Place to which he has been so removed or sent, and whilst such Sentence shall remain in force shall be liable to be there imprisoned and kept to hard Labour, and otherwise dealt with under such Sentence, in the same Manner as if he had been sentenced to be imprisoned with hard Labour during the Term of his Transportation by the Judgment of a Court of competent Jurisdiction in the Colony or Place to which he has been so removed or sent.

Disposal of Convict after Sentence of Transportation.

XXVII. And be it enacted, That when any Sentence of Death shall be commuted for Transportation, or when any Marine shall by Court-martial be adjudged to be transported as authorized by this Act, it shall be lawful for the Commanding Officer of the Division to which such Marine shall have belonged to cause him to be detained and conveyed to any Gaol or Prison, there to remain in safe Custody until he shall be removed therefrom by due Authority under an Order for his Transportation to be made by some Justice of the Queen's Bench or Common Pleas or Baron of the Exchequer as aforesaid; and that a Certificate of his Sentence, after the same shall have been approved by the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, (such Certificate to be signed by the Commanding Officer of the Division from which he shall be sent,) shall be a sufficient Order, Requisition, and Authority to the Governor, Keeper, or Superintendent of the Gaol or Prison to receive and detain him: Provided always, that in case of any such Offender being so conveyed to Gaol or Prison the usual Allowance of Sixpence *per Diem* shall be made to the Keeper of the Gaol or Prison for the Subsistence of such Offender during his Detention therein, which Allowance shall be paid by the Paymaster of the Division, upon Production to him, by the said Governor, Keeper, or Superintendent, of a Declaration, to be made by him before One of Her Majesty's Justices of the Peace of such County, of the Number of Days during which the Offender shall have been so detained and subsisted in such Gaol or Prison.

Power to inflict Corporal Punishment.

XXVIII. And be it enacted, That any Court-martial may sentence any Marine to Corporal Punishment, not extending to Life or Limb, for Immorality, Misbehaviour, or Neglect of Duty, provided that no such Sentence of Corporal Punishment exceed Fifty Lashes.

XXIX. And

Power to inflict Corporal Punishment and Imprisonment.

XXIX. And be it enacted, That it shall be lawful for any General, District, or Garrison Court-martial, in addition to any Sentence of Corporal Punishment, to award Imprisonment, with or without hard Labour, and with or without solitary Confinement.

Power to commute Corporal Punishment.

XXX. And be it enacted, That in all Cases in which Corporal Punishment shall form the whole or any Part of the Sentence awarded by any Court-martial, it shall be lawful for the Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, or the Commissioners for executing the Office of Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, or for the Officer authorized to confirm the Sentences of Courts-martial, to commute such Corporal Punishment to Imprisonment, either solitary or with or without hard Labour, for any Period not exceeding Forty-two Days, or to mitigate such Sentence by awarding Imprisonment, either solitary or with or without hard Labour, for any Period not exceeding Twenty Days, and Corporal Punishment, to be inflicted in the Prison, not exceeding Twenty-five Lashes; provided that such Commutation of Punishment to solitary Confinement shall in no Case exceed the Period herein-after prescribed.

Forfeiture of Pay and Pension by Sentence of Court-martial.

XXXI. And be it enacted, That any General Court-martial may, in addition to any other Punishment which it may be competent to award, sentence any Offender to Forfeiture of all Advantage as to additional Pay, and Pension on Discharge, which might have otherwise accrued from the Length of his former Service, or to Forfeiture of such Advantage absolutely, whether it might have accrued from past Service, or might accrue from future Service, according to the Nature of the Case; and that any District or Garrison Court-martial may also, in addition to any Sentence which such Court may award, sentence any Offender to such Forfeiture for Desertion, or for disgraceful Conduct,

In wilfully maiming or injuring himself, or any other Marine, whether at the Instance of such other Marine or not, with Intent to render himself or such other Marine unfit for Service:

In tampering with his Eyes, with Intent thereby to render himself unfit for Service:

In wilfully doing any Act, or wilfully disobeying any Orders, whether in Hospital or otherwise, thereby producing or aggravating Disease or Infirmity, or delaying his Cure:

In malingering or feigning Disease:

In stealing or embezzling Government Stores, or in receiving them knowing them to have been stolen:

In stealing any Money or Goods the Property of a Comrade, of a Marine Officer, or of any Marine Mess or Band, or in receiving any such Money or Goods knowing the same to have been stolen:

In

In making any false or fraudulent Accounts, Returns, Matters, or Entries, or assisting or conniving at the same being made, or producing the same as true, knowing the same to be false or fraudulent:

In stealing or embezzling or fraudulently misapplying public Money intrusted to him:

Or in committing any Offence of a felonious or fraudulent Nature, to the Injury of, or with Intent to injure, any Person, Civil, Marine, or Military:

Or for any other disgraceful Conduct, being of a cruel, indecent, or unnatural Kind.

Forfeiture of Pay on Conviction of Desertion or Felony.

XXXII. And be it enacted, That every Marine who shall be found guilty of Desertion by a Court-martial, such Finding having been duly approved, or of Felony in any Court of ordinary Criminal Jurisdiction in *England* or *Ireland*, or of any Crime or Offence in any Court of Criminal Judicature in any Part of the United Kingdom, or in any Dominion, Territory, Colony, Settlement, or Island belonging to or occupied by Her Majesty out of the United Kingdom, which would, if committed therein, amount to Felony, shall thereupon forfeit all Advantage as to additional Pay, Good-conduct Pay, and to Pension on Discharge, which might have otherwise accrued from the Length of his former Service, in addition to any Punishment which such Court may award.

Forfeiture of Pay when in Confinement;

XXXIII. And be it enacted, That if any Non-commissioned Officer or Marine, by reason of his Imprisonment, whether under Sentence of a Court-martial or of any other Court duly authorized to pass such Sentence, or by reason of his Confinement for Debt, or by reason of his Desertion, or, being an Apprentice, by reason of his being allowed to serve out his Time with his Master, shall have been absent from his Duty during any Portion of the Time limited by his Enlistment or Re-engagement, or Prolongation of Service, as herein-after provided, such Portion of his Time shall not be reckoned as a Part of the limited Service for which such Non-commissioned Officer or Marine was enlisted or re-engaged, or for which his Time of Service may have been prolonged; and that no Marine shall be entitled to Pay, or to reckon Service towards Pay or Pension, when in Confinement under a Sentence of any Court, or during any Absence from Duty by Commitment or Confinement under any Charge of which he shall be afterwards convicted, either by Court-martial or by any Court of ordinary Criminal Jurisdiction, or whilst in arrest for Debt; and that when any Marine shall be absent as a Prisoner of War he shall not be entitled to Pay, or to reckon Service towards Pay or Pension, for the Period of such Absence, but upon rejoining Her Majesty's Service due Inquiry shall be made by a Court-martial, and unless it shall be proved to the Satisfaction of such Court that the said Marine was taken Prisoner through

or during Absence on Commitment under a Charge, or in arrest for Debt;

or when Prisoner of War;

wilful

wilful Neglect of Duty on his Part, or that he had served with or under, or in some Manner aided, the Enemy, or that he had not returned as soon as possible to Her Majesty's Service, he may thereupon be recommended by such Court to receive either the whole of such Arrears of Pay, or a Proportion thereof, and to reckon Service during his Absence; and that any Marine who shall be convicted of Desertion, or of Absence without Leave, shall, in addition to any Punishment awarded by the Court, forfeit his Pay for the Day or Days during which he was in a State of Desertion, or during his Absence without Leave; and if any Marine shall absent himself without Leave for any Period not exceeding Five Days, and shall not account for the same to the Satisfaction of the Commanding Officer, or if any Marine shall be guilty of any other Offence which the Commanding Officer may not think necessary to bring before a Court-martial, the Commanding Officer may order that such Marine shall be imprisoned for any Period not exceeding One hundred and sixty-eight Hours, with or without hard Labour, or with or without solitary Confinement, as the said Commanding Officer may think fit, and such Marine shall forfeit his Pay for any Day or Days on which he may be so imprisoned; and the said Commanding Officer may moreover order that in addition to or instead of such Imprisonment and Forfeiture, or any other Punishment which he has Authority to inflict, any Marine who shall have so absented himself as aforesaid shall forfeit his Pay for the Day or Days on which he shall have so absented himself; and, in pursuance of any such Order as aforesaid, the Pay of the Marine shall be accordingly forfeited: Provided always, that such Marine shall not be liable to be afterwards tried by a Court-martial for any Offence for which he shall have been so punished, ordered to suffer Imprisonment, Punishment, or Forfeiture as aforesaid: Provided also, that any Marine who shall be so ordered to suffer Imprisonment or Forfeiture of Pay shall, if he so request, have a Right to be tried by a Court-martial for his Offence, instead of submitting to such Imprisonment or Forfeiture: Provided also, that it shall be lawful for the said Lord High Admiral or the said Commissioners to order or withhold the Payment of the whole or any Part of the Pay of any Officer or Marine during the Period of Absence by any of the Causes aforesaid.

or when convicted of Desertion.

Forfeiture of Pay and Liquor for habitual Drunkenness.

XXXIV. And be it enacted, That any General, Garrison, or District Court-martial before which any Marine shall be convicted of habitual Drunkenness shall, in addition to any other Punishment which such Court is competent to award, deprive such Marine of such Portion of his Pay, for such Period not exceeding Two Years, and under such Restrictions and Regulations, as may accord with the Articles of War to be made in pursuance of this Act, subject to Restoration on subsequent good Conduct; and after any other Punishment which the Court may award every Divisional or Detachment Court-martial shall deprive

deprive a Marine convicted of a Charge of habitual Drunkenness of such Portion of his additional or regular Pay, for such Period not exceeding Six Months, and under such Restrictions and Regulations, as may accord with the said Articles of War, subject to Restoration on subsequent good Conduct: Provided that a Marine so sentenced to the Forfeiture of Pay who shall be quartered or removed to a Station where Liquor forms a Part of his Ration, and is issued in Kind, shall be deprived of his Liquor in Kind, instead of being deprived of One Penny of his daily Pay, for so long a Time as he shall remain in such Station, and such Sentence of Forfeiture of Pay shall remain in force.

Forfeiture of Pay for Drunkenness on Duty.

XXXV. And be it enacted, That any Court-martial may sentence any Marine for being drunk when on or for Duty or Parade, or on the Line of March, to be deprived of a Penny a Day of his Pay for any Period not exceeding Thirty Days, in addition to any other Punishment which such Court may award.

Stoppages.

XXXVI. And be it enacted, That, in addition to any other Punishment which the Court may award, a Court-martial may further direct that any Offender may be put under Stoppages until he shall have made good

Any Loss, Disposal of, or Damage occasioned by him in any of the Instances of disgraceful Conduct herein specified:

Any Loss, Disposal of, or Destruction of, or Damage or Injury to, any Property whatsoever, occasioned by his wilful or negligent Misconduct:

Any Loss, Disposal of, or Destruction of, or Damage or Injury to, his Arms, Clothing, Instruments, Equipments, Accoutrements, or Necessaries, or any Loss, Disposal of, or Destruction of, or Damage or Injury to, the Arms, Clothing, Instruments, Equipments, Accoutrements, or Necessaries of any other Marine, occasioned by his wilful or negligent Misconduct:

Any Expense necessarily incurred by his Drunkenness or other Misconduct:

Provided always, that, except in the Case of the Loss, Disposal of, or Destruction of, or Damage or Injury to, Accoutrements and Necessaries, in which Case the Court may by its Sentence direct that the said Stoppages shall continue till the Cost of replacing or repairing the same be made good, the Amount of any Loss, Disposal, Destruction, Damage or Injury, or Expense, shall be ascertained by Evidence, and the Offender shall be placed under Stoppages for such an Amount only as shall be proved to the Satisfaction of the Court: Provided also, that after satisfying the Charges for his messing and washing, so much only of the Pay of the Marine may be stopped and applied as shall leave him a Residue at the least of One Penny a Day.

XXXVII. And

Discharge with Ignominy

XXXVII. And be it enacted, That whenever any Marine shall have been convicted of any such disgraceful Conduct, and the Court in respect thereof shall have made the Forfeiture of all Claim to Pension on Discharge a Part of the Sentence passed on such Marine, such Court may further recommend that he be discharged with Ignominy from Her Majesty's Service.

Marking Deserters.

XXXVIII. And be it enacted, That on the first and on every subsequent Conviction of Desertion the Court-martial, after awarding such Punishment as it may think fit, may order the Offender to be marked on the Left Side, Two Inches below the Arm-pit, with the Letter D, such Letter not to be less than an Inch long, and to be marked upon the Skin with some Ink or Gunpowder or other Preparation so as to be visible and conspicuous, and not liable to be obliterated.

Power of Imprisonment by different Kinds of Courts-martial

XXXIX. And be it enacted, That a General or District or Garrison Court-martial may sentence any Marine to Imprisonment, with or without hard Labour, and may also direct that such Offender shall be kept in solitary Confinement for any Portion or Portions of such Imprisonment not exceeding Fourteen Days at a Time, nor Eighty-four Days in any One Year, with Intervals between the Periods of solitary Confinement of not less Duration than such Periods; and that any Divisional or Detachment Court-martial may sentence any Marine to Imprisonment, with or without hard Labour, for any Period not exceeding Forty-two Days, and may also direct that such Marine may be kept in solitary Confinement for any Portion or Portions of such Imprisonment, not exceeding Fourteen Days at a Time, with an Interval between them of not less Duration than such Periods of solitary Confinement: Provided always, that when any Court-martial, whether General, Garrison, or District, or Divisional, shall direct that the Imprisonment shall be solitary only, the Period shall in no Case exceed Fourteen Days.

Imprisonment of Offenders already under Sentence for previous Offence.

XL. And be it enacted, That whenever Sentence shall be passed by a Court-martial on a Person already imprisoned under Sentence of a Court-martial for any former Offence, it shall be lawful for the Court to award Imprisonment for the subsequent Offence, to commence at the Expiration of the Imprisonment to which such Person shall have been previously sentenced; and where such Person shall be already under Sentence, either of Imprisonment or Transportation, the Court, if empowered to pass Sentence of Transportation, may award such Sentence for the subsequent Offence, to commence at the Expiration of the Imprisonment or Transportation to which such Person shall have been previously sentenced, although the aggregate

of

of the Terms of Imprisonment or Transportation respectively may exceed the Term for which either of those Punishments would be otherwise awarded.

Term and Place of Imprisonment.

XLI. And be it enacted, That, save as herein specially provided, every Term of Imprisonment under the Sentence of a Court-martial, whether original or revised, shall be reckoned as commencing on the Day on which the original Sentence and Proceedings shall have been signed by the President; and the Place of Imprisonment under the Sentences of Courts-martial shall be appointed by the Court or the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, or the Commanding Officer of the Division to which the Offender belongs or is attached, or the Officer commanding the District, Garrison, Island, or Colony.

Proviso for Removal of Prisoners.

XLII. And be it enacted, That in the Case of a Prisoner undergoing Imprisonment under Sentence of a Court-martial, or as Part of commuted Punishment, in any public Prison, or in any Gaol or House of Correction, in any Part of Her Majesty's Dominions, it shall be lawful for the said Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral for the Time being, in all Cases, or for the Officer commanding the Division in the Case of a Prisoner imprisoned under the Sentence of a Divisional Court-martial, of his sole Authority, and in all other Cases with the Consent of the Officer commanding the District, Garrison, Island, or Colony, or of the Officer by whom the Sentence of the Court shall have been confirmed, as the Case may be, to give, as often as Occasion may arise, an Order in Writing directing that the Prisoner be discharged, or be delivered over to Military Custody, whether for the Purpose of being removed to some other Prison or Place, there to undergo the Remainder or any Part of his Sentence, or for the Purpose of being brought before a Court-martial either as a Witness or for Trial; and such Prisoner shall accordingly, on the Production of such Order, be discharged or be delivered over, as the Case may be: Provided always that the Time during which any Prisoner under Sentence of Imprisonment by a Court-martial shall be detained in Military Custody shall be reckoned as Imprisonment under the Sentence, for whatever Purpose such Detention shall take place.

Custody of Prisoners under Military Sentence in Common Gaols.

XLIII. And be it enacted, That every Governor, Provost Marshal, Gaoler, or Keeper of any public Prison, or of any Gaol or House of Correction, in any Part of Her Majesty's Dominions, shall receive into his Custody any Military Offender under Sentence of Imprisonment by a General or other Court-martial, upon Delivery to him of an Order in Writing in that Behalf from the Officer commanding the

Division or Detachment to which the Offender belongs or is attached, which Order shall specify the Period of Imprisonment or Remainder of Imprisonment which the Offender is to undergo, and the Day and Hour of the Day on which he is to be released; and such Governor, Provost Marshal, Gaoler, or Keeper shall keep such Offender in a proper Place of Confinement, with or without hard Labour, and with or without solitary Confinement, according to the Sentence of the Court, and during the Time specified in the said Order, or until he be discharged or delivered over to Military Custody before the Expiration of that Time, under an Order duly made for that Purpose; and whenever Marines are called out in aid of the Civil Power, or are stationed in Billets, or are on the Line of March, every Governor, Provost Marshal, Gaoler, or Keeper of any public Prison, Gaol, House of Correction, Lock-up House, or other Place of Confinement, shall receive into his Custody any Marine for a Period not exceeding Seven Days, upon Delivery to him of an Order in Writing in that Behalf from the Officer commanding such Marine; and any Governor, Provost Marshal, Gaoler, or Keeper of any public Prison, Gaol, House of Correction, Lock-up House, or other Place of Confinement, who shall refuse to receive and to confine, or to discharge or deliver over, any Marine Offender in the Manner herein prescribed, shall forfeit for every such Offence the Sum of One hundred Pounds.

Their Subsistence in Common Gaols.

XLIV. And be it enacted, That the Gaoler or Person having the immediate Inspection of any public Prison, Gaol, House of Correction, Lock-up House, or other Place of Confinement in any Part of Her Majesty's Dominions, shall diet and supply every Marine imprisoned by the Sentence of a Court-martial or as a Deserter with Fuel and other Necessaries according to the Regulations of such Place of Confinement, and shall receive on account of every Marine during the Period of his Imprisonment Sixpence *per Diem*, which the Secretary of the Admiralty shall cause to be issued out of the Subsistence of such Marine upon Application in Writing, signed by any Justice within whose Jurisdiction such Place of Confinement shall be locally situated, together with a Copy of the Order of Commitment, and which Sum of Sixpence *per Diem* shall be carried to the Credit of the Fund from which the Expense of such Place of Confinement is defrayed.

Expiration of Imprisonment in Common Gaols.

XLV. And be it enacted, That every Gaoler or Person having the immediate Inspection of any public Prison, Gaol, House of Correction, or other Place of Confinement, to whom any Notice shall have been given, or who shall have Reason to believe or to know, that any Person in his Custody upon any Charge or for any Offence, Civil, Criminal, or Military, is a Marine, shall on receiving him into Custody

give

give Notice thereof to the Secretary of the Admiralty, and also, if he be confined under Sentence of Imprisonment, previous to the Expiration of the Period of the Imprisonment of such Marine, give to the Secretary of the Admiralty One Month's Notice of the Period of such Expiration of Imprisonment, or if there shall not be sufficient Time for a Month's Notice, then the longest practicable Notice thereof; and for every Default of giving either or any of such Notices such Gaoler or Person shall forfeit the Sum of Twenty Pounds.

Military Prisons established under Act for punishing Mutiny and Desertion in Army to be deemed public Prisons.

XLVI. And be it enacted, That every Military Prison which shall be established under or by virtue of any Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters, shall be deemed to be public Prisons within the Meaning of any Act now in force or hereafter to be in force for the Regulation of Her Majesty's Royal Marine Forces; and that any Officer or Marine convicted by a Court-martial may be sent, by Order of the Commissioners for executing the Office of Lord High Admiral, to any such Military Prison, there to undergo such Punishment as may be awarded by the Sentence passed upon him, or until he be discharged or delivered up by an Order, as in the Case of a Discharge or Removal from any other Prison under this Act.

Musters and Penalty on false Musters.

XLVII. And be it enacted, That Musters, as have been customary, shall be taken of every Division or Company of Royal Marines once in every Calendar Month, as shall be appointed; and no Officer or Marine shall be absent from any such Muster, unless duly certified to be employed on some other Duty of the Corps, or sick, or in Prison, or on Furlough; and every Person belonging to Her Majesty's Service who shall give or procure to be given any untrue Certificate, thereby to excuse any Person from any Muster or other Service which he ought to attend or perform, or shall make any false or untrue Muster of Man or Horse, or who shall willingly allow or sign any false Muster or Duplicate thereof, or shall directly or indirectly take or receive any Money or Gratuity for mustering any Person, or for signing any Muster Roll or Duplicate, or shall knowingly muster any Person by a wrong Name, shall, upon Proof by Two Witnesses before a General Court-martial, for any such Offence be forthwith cashiered, and disabled to have or hold any Civil or Military Office or Employment in the Service of Her Majesty; and any Person who shall fraudulently offer or procure himself to be falsely mustered, or lend or furnish any Horse to be falsely mustered, shall, upon Proof thereof by the Oaths of Two Witnesses before some Justice of the Peace residing near to the Place where such Muster shall be made, forfeit the Sum of Twenty Pounds, and the Informer, if he belongs to Her Majesty's Service, shall, if he demand it, be forthwith discharged; and if any Person not belonging to Her Majesty's Service shall give or

sign

sign any untrue Certificate of Illness or otherwise in order to excuse any Officer or Marine from Appearance at any Muster, or whereby Her Majesty's Service may be defrauded, every Person so offending shall for every such Offence forfeit the Sum of Twenty Pounds.

Verifying of Muster Rolls.

XLVIII. And be it enacted, That all Muster Rolls and Pay Lists of Royal Marines required to be verified upon Oath shall be sworn before and attested by any Justice of the Peace, without Fee or Reward to himself or his Clerk.

Trials for Desertion after subsequent Re-enlistment.

XLIX. And be it enacted, That every Marine shall be liable to be tried and punished for Desertion from any Corps into which he may have enlisted, or from Her Majesty's Service, although he may of right belong to the Corps from which he shall have originally deserted; and whether such Marine shall be tried for deserting from the Corps into which he originally enlisted, or for deserting from the same Corps into which he may have subsequently enlisted, or for any other Desertion, every Desertion previous or subsequent to that for which he may be so tried may, if duly stated in the Charges, be given in Evidence against him on such Trial.

Apprehension of Deserters.

L. And be it enacted, That upon reasonable Suspicion that a Person is a Deserter it shall be lawful for any Constable, or if no Constable can be immediately met with, then it shall be lawful for any Officer or Marine in Her Majesty's Service, to apprehend or cause such suspected Person to be apprehended, and to bring or cause him to be brought before any Justice living in or near such Place, and acting for the County or Borough wherein such Place is situate, or for the County adjoining such first-mentioned County or such Borough; and such Justice is hereby authorized and required to inquire whether such suspected Person is a Deserter, and if it shall appear by the Testimony of One or more Witnesses taken upon Oath, or by the Confession of such suspected Person, or by the Knowledge of such Justice, or by Evidence sufficient to satisfy such Justice, that there are reasonable Grounds for believing that such suspected Person is a Deserter, such Justice shall forthwith cause him to be conveyed in Civil Custody to the Head Quarters or Depôt of the Division to which he belongs, if stationed within Five Miles of the Place of Apprehension, or if such Head Quarters or Depôt shall not be stationed within Five Miles, then to the nearest or most convenient public Prison (other than a Military Prison) or Police Station legally provided as the Lock-up House for temporary Confinement of Persons taken into Custody, whether such Prison or Police Station be in the County or Borough in which such suspected Person was apprehended or in which he was committed or not; or if the Deserter shall have been apprehended by a Party of Marines in charge of a Commissioned Officer, such Justice may deliver him up to such Party, unless the Officer shall deem it necessary

necessary to have the Deserter committed to Prison for safe Custody, and such Justice shall transmit an Account thereof, in the Form prescribed in the Schedule annexed to this Act, to the Secretary of the Admiralty, specifying thereon whether such Deserter was delivered to a Party of Marines in order for his being taken to the Head Quarters or Depôt of his Division, or whether such Deserter was committed to Prison, to the end that the Person so committed may be removed by an Order from the said Lord High Admiral, or the said Commissioners for executing the Office of Lord High Admiral, and proceeded against according to Law; and such Justice shall also send to the Secretary of the Admiralty a Report stating the Names of the Persons by whom the Deserter was apprehended and secured, and the Secretary of the Admiralty shall transmit to such Justice an Order upon the proper Department for the Payment of the Sum of Twenty Shillings as a Reward to the Person so certified to be entitled thereto; and for such Information, Commitment, and Report as aforesaid the Clerk of the said Justice shall be entitled to a Fee of Two Shillings and no more; and every Gaoler and other Person into whose Custody any Person charged with Desertion is committed shall, immediately upon the Receipt of the Person so charged into his Custody, pay such Fee of Two Shillings, and also, upon the Production of a Receipt from the Medical Practitioner who may have been required to examine such suspected Person, a Fee of Two Shillings and Sixpence, and shall notify the Fact to the Secretary of the Admiralty, and transmit also to the Secretary of the Admiralty a Copy of the Commitment, to the end that the Secretary of the Admiralty may order Repayment of the same; and that when any Person shall be apprehended and committed as a Deserter in any of Her Majesty's Colonies, the Justice shall forthwith cause him to be conveyed to some public Prison, if the Detachment to which he is suspected to belong shall not be in the Colony, or if the Detachment be in the Colony, the Justice may, if within reasonable Distance, deliver him into Custody at the nearest Military Post, although the Detachment to which such Person is suspected to belong may not be stationed at such Military Post; and such Justice shall in every Case transmit to the Officer commanding in the Colony a descriptive Return in the Form prescribed, to the end that such Person may be removed by the Order of such Officer, and proceeded against according to Law.

Penalty on Marines straggling or attempting to desert from Head Quarters.

LI. And be it enacted, That for and in respect of any Marine straggling or attempting to desert from any Head Quarters who may be apprehended at a greater Distance from Head Quarters than is allowed by the Articles of War, the Party or Parties by whom he shall be apprehended shall be entitled to a Reward of Ten Shillings, to be paid upon the delivering up of such Marine, which Sum of

Ten Shillings shall be charged against and stopped and retained out of the Pay and Subsistence of every such Marine.

Temporary Custody of Deserters in Gaols.

LII. And be it enacted, That every Gaoler or Person having the immediate Inspection of any public Prison, Gaol, House of Correction, Lock-up House, or other Place of Confinement in any Part of Her Majesty's Dominions, is hereby required to receive and confine every Deserter who shall be delivered into his Custody by any Marine conveying such Deserter under lawful Authority, on Production of the Warrant of the Justice of the Peace on which such Deserter shall have been taken, or some Order from the Admiralty, which Order shall continue in force until the Deserter shall have arrived at his Destination; and such Gaoler or Person shall be entitled to One Shilling for the safe Custody of the said Deserter while halted on the March, and to such Subsistence for his Maintenance as shall be directed by the said Lord High Admiral or the said Commissioners.

Fraudulent Confession of Deserter.

LIII. And be it enacted, That any Person who, while serving in Her Majesty's Navy, or in any of Her Majesty's Forces, or the Embodied Militia, or the Forces of the *East India* Company, shall, to any Officer, or Subordinate, Warrant, Petty, or Non-commissioned Officer, fraudulently confess himself to be a Deserter, shall be liable to be tried by any Court-martial under this Act, and punished according to the Sentence thereof, and any Person who shall voluntarily deliver himself up as and confess himself to be a Deserter from Her Majesty's Royal Marine Forces, or who, upon being apprehended for any Offence, shall in the Presence of the Justice confess himself to be a Deserter as aforesaid, shall be deemed to have been duly enlisted and to be a Marine, and shall be liable to serve in Her Majesty's Royal Marine Forces, whether such Person shall have been ever actually enlisted as a Marine or not; or in case such Person shall not be a Deserter from the Royal Marine Forces, or shall have been discharged therefrom or from any other Corps for any Cause whatever, or shall be incapable of Service, he shall, on Conviction thereof before Two Justices of the Peace at or near the Place where he shall deliver himself up or confess, or where he may at any Time happen to be, be adjudged to be punished, if in *England*, as a Rogue and Vagabond, and, if in *Scotland* or *Ireland*, by Commitment to some Prison or House of Correction, there to be kept to hard Labour for any Time not exceeding Three Months, or shall be deemed guilty of obtaining Money under false Pretences within the true Intent and Meaning, if in *England*, of an Act passed in the Session holden in the Seventh and Eighth Years of the Reign of His Majesty King *George* the Fourth, intituled *An Act for consolidating and amending the Laws in* England *relative to Larceny and other Offences connected therewith*, and, if in *Ireland*, of an Act passed in the Ninth Year of the

7 & 8 G. 4. c. 28.

the Reign of His Majesty King *George* the Fourth, intituled *An Act for consolidating and amending the Laws in* Ireland *relative to Larceny and other Offences connected therewith*, or, if in *Scotland*, shall be deemed guilty of Falsehood, Fraud, and wilful Imposition; and every Person so deemed to be guilty of obtaining Money under false Pretences, or of Falsehood, Fraud, and wilful Imposition, (as the Case may be,) shall be liable to be proceeded against and punished accordingly; and the Confession and receiving Subsistence as a Marine by such Person shall be Evidence of the false Pretence, or of the Falsehood, Fraud, and Imposition, (as the Case may be,) and of the obtaining Money to the Amount of the Value of such Subsistence, and the Value of such Subsistence so obtained may be charged in the Indictment as so much Money received by such Person; and in case such Person shall have been previously convicted of the like Offence, or shall have been summarily convicted and punished in *England* as a Rogue and Vagabond, or in *Scotland* or *Ireland* by Commitment, for making a fraudulent Confession of Desertion, such former Conviction may be alleged in the Indictment, and may be proved upon the Trial of such Person; and in such Indictment for a Second Offence it shall be sufficient to state that the Offender was at a certain Time and Place convicted of obtaining Money under false Pretences as a Deserter, for making a fraudulent Confession of Desertion, without otherwise describing the said Offence; and a Certificate containing the Substance and Effect only (omitting the formal Part) of the Indictment and Conviction of the former Offence, purporting to be signed by the Clerk of the Court or other Officer having the Custody of the Record of the Court where the Offender was first convicted, or by the Deputy of such Clerk, or by the Clerk of the convicting Magistrates, shall, upon Proof of the Identity of the Person of the Offender, be sufficient Evidence of the First Conviction, without Proof of the Signature or official Character of the Person appearing to have signed the same; and if the Person so confessing himself to be a Deserter shall be serving at the Time in Her Majesty's Royal Marine Forces he shall be deemed to be and shall be dealt with by all Justices and Gaolers as a Deserter. 9 G. 4. c. 55.

LIV. And be it enacted, That any Person who shall, in any Part of Her Majesty's Dominions, by Words or by any other Means whatsoever, directly or indirectly procure any Marine to desert, or shall by Words or by any other Means whatsoever attempt to procure or persuade any Marine to desert, and any Person who, knowing that any Marine is about to desert, shall aid or assist him in deserting, or, knowing any Marine to be a Deserter, shall conceal such Deserter, or aid or assist such Deserter in concealing himself, shall be deemed guilty of a Misdemeanor, and shall on Conviction thereof

Punishment for inducing Marines to desert.

thereof be liable to be punished by Fine or Imprisonment, or both, as the Court before which such Conviction shall take place may adjudge.

Extension of Furlough in case of Sickness.

LV. And be it enacted, That when there shall not be any Officer of Her Majesty's Land or Marine Forces of the Rank of Captain or of a superior Rank, or any Adjutant of Militia, within convenient Distance of the Place where any Non-commissioned Officer or Marine on Furlough shall be detained by Sickness or other Casualty rendering necessary an Extension of such Furlough, it shall be lawful for any Justice who shall be satisfied of such Necessity, to grant an Extension of Furlough for a Period not exceeding One Month; and the said Justice shall immediately certify such Extension, and the Cause thereof, to the Commanding Officer of the Division or Detachment to which the Man belongs, if known, and if not, then to the Secretary of the Admiralty, in order that the necessary Allowance of Pay and Subsistence may be remitted to the Marine, who shall not during the Period of such Extension of Furlough be liable to be treated as a Deserter: Provided always, that nothing herein contained shall be construed to exempt any Marine from Trial and Punishment according to the Provisions of this Act for any false Representation made by him in that Behalf to the said Officer or Justice so extending the Furlough, or for any Breach of Discipline committed by him in applying for and obtaining the said Extension of Furlough.

Marines not to be taken for Debts under 30*l.*, or for not supporting Family.

LVI. And be it enacted, That no Marine shall be liable to be arrested or taken from Her Majesty's Service by reason of the Warrant of any Justice or other Process, for not supporting, or leaving chargeable on any Parish, Township, or Union, any Wife, or any Child or Children, legitimate or illegitimate, or (except in the Case of an Apprentice) on account of any Breach of Contract or Engagement to serve or work for any Employer; and no Marine shall be liable to be taken out of Her Majesty's Service by any Process, Order, or Execution whatsoever, or by the Order or Decree of any Court or of any Judge or Officer thereof, for Contempt, or on any Account whatsoever other than for some Criminal Matter, unless an Affidavit shall be made by the Plaintiff, or some one on his Behalf, for which no Fee shall be taken, before some Judge of the Court out of which such Process, Order, Decree, or Execution shall issue, or before some Person authorized to take Affidavits in such Courts, of which Affidavit a Memorandum shall, without Fee, be endorsed upon the Back of such Process, that the original Debt for which the Action has been brought or Execution sued out amounts to the Value of Thirty Pounds at least over and above all Costs of Suit in the Action or Actions on which the same shall be grounded; and any Judge of such Court may examine into any Complaints made by a Marine or by his Superior Officer, and

and by Warrant under his Hand discharge such Marine without Fee, he being shown to have been arrested contrary to the Intent of this Act, and shall award reasonable Costs to such Complainant, who shall have for the Recovery thereof the like Remedy as would have been applicable to the Recovery of any Costs which might have been awarded against the Complainant in any Judgment or Execution as aforesaid, or a Writ of Habeas Corpus shall be awarded or issued, and the Discharge of any such Marine out of Custody be ordered thereupon; provided that any Plaintiff, upon Notice of the Cause of Action first given in Writing to any Marine, or left at his last Quarters, may proceed in any Action or Suit to Judgment, and have Execution other than against the Body.

Officers not liable to take Parish Apprentices.

LVII. And be it enacted, That no Officer of Her Majesty's Royal Marine Forces residing in Barracks or elsewhere under Military Law shall be deemed liable to have any Parish poor Child bound Apprentice to him.

Officers not to be Sheriffs or Mayors.

LVIII. And be it enacted, That no Person who shall be commissioned and in Full Pay as an Officer in the Royal Marine Forces shall be capable of being nominated or elected to be Sheriff of any County or other Place, or to be Mayor, Portreeve, Alderman, or shall be capable of holding any Office in any Municipal Corporation in any City, Borough, or Place in *Great Britain* or *Ireland*.

Enlisting and swearing of Recruits.

LIX. And be it enacted, That every Person who shall receive Enlisting Money (knowing it to be such) to serve in the Royal Marines from any Person employed in the Recruiting Service, and being an Officer, Non-commissioned Officer, or attested Marine, shall be deemed to be enlisted as a Marine in Her Majesty's Service, and while he shall remain with the Recruiting Party shall be entitled to be billeted; and every Person who shall enlist any Recruit shall first ask the Person offering to enlist whether he does or does not belong to the Militia, and shall, within Twelve Hours after the Receipt of the Enlisting Money, cause to be taken down in Writing the Name and Place of Abode of such Recruit, and, if such Recruit shall not reside in or in the Vicinity of the Town or Place where he offered to enlist, the Place also at which he shall declare that he intends to sleep, in order that, within Forty-eight Hours, but not sooner than Twenty-four Hours, (any intervening *Sunday* not included,) after his having received the Enlisting Money, Notice of his having so enlisted be given to the Recruit, or left at his usual Place of Abode, or at the Place where he stated that it was his Intention to sleep; and when any Person shall be enlisted as a Marine he shall within Ninety-six Hours, (any inter-

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vening *Sunday* not included,) but not sooner than Twenty-four Hours, after such Enlisting, unless he shall voluntarily have absented himself or absconded, appear, together with some Person employed in the Recruiting Service of the Party with which he shall have enlisted, before a Justice, not being an Officer in the Marines, residing in the Vicinity of the Place or acting for the Division or District or Place where such Recruit shall have enlisted, or where the Head Quarters of the Recruiting Party shall be stationed, and if such Recruit shall declare his having voluntarily enlisted, the said Justice shall put to him the several Questions contained in the Schedule to this Act annexed, and shall then and there, in the Presence of the said Recruit, record or cause to be recorded in Writing his Answers thereunto; and the said Justice is hereby required forthwith to read over, or cause his Clerk in his Presence to read over, to such Recruit, the several Articles of War against Mutiny and Desertion, and to administer to such Recruit the Oath in the Schedule to this Act annexed applicable to the Case of a Recruit, and no other Oaths, anything in any Act to the contrary notwithstanding; and the Fee for administering such Oath shall be One Shilling and no more; and the said Justice is hereby required to give, under his Hand, the Certificate in the Schedule to this Act annexed; and if any such Recruit so to be certified shall refuse to take the Oath in the Schedule to this Act annexed before the said Justice, it shall be lawful for the Justice, at the Request of the Officer or Non-commissioned Officer with whom he enlisted, to detain and confine such Person until he shall take the said Oath of Fidelity.

Dissent and Relief from Enlistment.

LX. And be it enacted, That any Recruit appearing as aforesaid before such Justice shall be at liberty to declare his Dissent to such Enlisting, and upon such Declaration, and returning the Enlisting Money, and also paying the Sum of Twenty Shillings for the Charges expended upon him, together with the full Amount of Subsistence and Beer Money which shall have been paid to or on account of such Recruit subsequent to his Enlistment, shall be forthwith discharged in the Presence of such Justice; but if such Person shall refuse or neglect, within the Space of Twenty-four Hours after so declaring his Dissent, to return and pay such Money as aforesaid, he shall be deemed and taken to be enlisted as if he had given his Assent thereto before the said Justice: Provided always, that it shall be lawful for any Justice to discharge any Person who shall have hastily enlisted, and who shall apply to him to declare his Dissent within such Ninety-six Hours as aforesaid, upon Payment of the Sum of Money required to be paid by any Recruit declaring his Dissent under this Act, notwithstanding no Person belonging to the Recruiting Party shall be with the Recruit, if it shall appear to such Justice upon Proof to his Satisfaction

faction that the Recruiting Party has left the Place where such Recruit was enlisted, or that the Recruit could not procure any Person belonging to such Party to go with him before the Justice; and the Sum paid by such Recruit upon his Discharge shall be kept by the Justice, and after deducting One Shilling as the Fee to his Clerk for reporting the Payment to the Secretary of the Admiralty, shall be paid to any Person belonging to the Recruiting Party entitled thereto, and demanding the same: Provided also, that no Recruit who has actually, though erroneously, been discharged by the Justice before the Expiration of Twenty-four Hours after the Time of his Enlistment, shall be liable on that Account to be proceeded against as having deserted from Her Majesty's Service; and the Justice who shall discharge any Recruit shall in every Case give to him a Certificate under his Hand specifying the Cause thereof.

Offences connected with Enlistment.

LXI. And be it enacted, That if any Recruit shall receive the Enlisting Money from any Person employed in the Recruiting Service (knowing it to be such), and shall abscond or refuse to go before a Justice, or shall absent himself from the Recruiting Party or Person with whom he enlisted, and shall not voluntarily return to go before some Justice within such Period of Ninety-six Hours as aforesaid, such Recruit shall be deemed to be enlisted and a Private in Her Majesty's Royal Marine Forces as fully to all Intents and Purposes as if he had been duly attested, and may be apprehended and punished as a Deserter, or for being absent without Leave, under any Articles of War made for the Punishment of Mutiny and Desertion; and such Recruit shall not be discharged by any Justice of the Peace after the Expiration of such Ninety-six Hours as aforesaid, unless it shall be proved to the Satisfaction of such Justice that the true Name and Residence of the Recruit were disclosed and known to the Recruiting Party, and that no Notice was given to the Recruit, or left at his usual Place of Abode, of his having so enlisted: Provided always, that in every Case wherein any Recruit shall have received Enlisting Money, and shall have absconded from the Party, so that it shall not be possible immediately to apprehend and bring him before a Justice, the Officer or Non-commissioned Officer commanding the Party shall produce to the Justice before whom the Recruit ought regularly to have been brought for Attestation a Certificate of the Name and Place of Residence of such Recruit; and the Justice to whom such Certificate shall be produced shall, after satisfying himself that the Recruit who had absconded cannot be found and apprehended, transmit a Duplicate thereof to the Secretary of the Admiralty, in order that, in the event of such Recruit being afterwards apprehended and reported as a Deserter, the Facts of his having received Enlisting Money, and having absconded after having been enlisted, may be ascertained before

before he shall be finally adjudged to be a Deserter; and it shall be lawful for any Two Justices acting for the County, Division, District, or Place where any such Recruit shall at any Time happen to be when any such Recruit shall be brought, and shall be proved upon Oath before them to have concealed his belonging or having belonged to the Militia, or any Regiment, or to the Marines, Ordnance, or Navy, or the Forces of the *East India* Company, and discharged, or to have deserted therefrom, or to have concealed his having been discharged on any prior Enlistment, or to have wilfully concealed any Infirmity, or designedly made any false Representation at or previously to the Time of receiving Enlisting Money or upon being attested, to adjudge such Recruit, if in *England*, to be a Rogue and Vagabond, and to sentence him to such Punishment as by any Law may be inflicted on Rogues and Vagabonds, and to adjudge such Person, if in *Scotland* or *Ireland*, to be imprisoned with hard Labour in any Prison or House of Correction for any Period not exceeding Three Months; and any Recruit who shall designedly make any false Representation of any Particular contained in the Oaths and Certificates in the Schedule to this Act annexed before the Justice at the Time of his Attestation, and shall obtain any Enlisting Money, or any Bounty for entering into Her Majesty's Service, or any other Money, shall be deemed guilty of obtaining Money under false Pretences, within the true Intent and Meaning, if in *England*, of an Act passed in the Session holden in the Seventh and Eighth Years of His Majesty King *George* the Fourth, intituled *An Act for consolidating and amending the Laws in* England *relative to Larceny and other Offences connected therewith*, and if in *Ireland*, of an Act passed in the Ninth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for consolidating and amending the Laws in* Ireland *relative to Larceny and other Offences connected therewith*, and such Recruit, if in *Scotland*, shall be deemed guilty of Falsehood, Fraud, and wilful Imposition, and any such Recruit shall be tried for any such Offence in any County or Place where he may at any Time happen to be; and the Production of such Certificate, and Proof of the Handwriting of the Justice giving such Certificate, shall be sufficient Evidence of such Party having represented the several Particulars contained in the Oath sworn by him, and specified in the Certificate of the Justice at the Time of his having been attested; and that Proof by the Oath of One or more credible Witnesses that the Person so prosecuted hath voluntarily acknowledged that at the Time of his Enlistment he belonged to the Militia, or to any Regiment in Her Majesty's Service, or to Her Majesty's Navy or Marine or Ordnance, or that he designedly made any false Representation of any Particular contained in the said Oaths and Certificates or either of them before the Justice at the Time of the Attestation of the Person being

7 & 8 G. 4. c. 29.

9 G. 4. c. 55.

being prosecuted, shall be deemed and taken as Evidence of the Fact so by him acknowledged, without Production of any Roll or other Document to prove the same; and such Proof of such Acknowledgment shall be certified to the Secretary of the Admiralty by the Justice before whom such Proof shall have been given; and any Man having been enrolled to serve in the Militia at the Time of offering to enlist into the Marines who shall deny that he is a Militia Man then actually enrolled and engaged to serve, or shall deny to the Justice before whom he shall be attested that he belongs to the Militia, shall, on Conviction thereof before any One Justice in the United Kingdom, either upon the Oath of One Witness or upon his own Confession, or upon the Production of the Attestation and the before-mentioned Acknowledgment of such Person, certified by the Secretary of the Admiralty, be committed to the Common Gaol or House of Correction, there to remain without Bail or Mainprize for and during any Time not exceeding Six Calendar Months, over and above any Penalty or Punishment to which such Person so offending may be otherwise liable, and shall from the Day on which his Engagement to serve in the Militia shall end, and not sooner, belong as a Marine to the Division of Her Majesty's Royal Marine Forces into which he has so enlisted: Provided also, that every such Person shall be liable to serve in Her Majesty's Royal Marine Forces in which he has so enlisted during all the Time the Militia to which he shall belong shall remain disembodied, or shall not be called out for Training or Exercise, and shall during all such Time be subject to all the Provisions of this Act, and be liable to be apprehended and dealt with and punished as a Deserter from the Marines if he shall neglect or refuse to join and serve therein.

Penalty on Officers offending as to Enlistment.

LXII. And be it enacted, That every Marine Officer who shall wilfully act contrary to the Provisions of this Act in any respect regarding the enlisting and attesting of Recruits for Her Majesty's Service shall, upon Proof thereof upon Oath by Two Witnesses before a General Court-martial, be cashiered, and disabled to hold any Civil or Military Office or Employment in Her Majesty's Service.

Apprentices enlisting to be liable to serve after the Expiration of their Apprenticeship.

LXIII. And be it enacted, That any Person duly bound as an Apprentice who shall enlist into Her Majesty's Royal Marine Forces, and shall state to the Magistrate before whom he shall be carried and attested that he is not an Apprentice, shall be deemed guilty of obtaining Money by false Pretences within the true Intent and Meaning of the before-recited Acts, if in *England* or in *Ireland*, and of Falsehood, Fraud, and wilful Imposition if in *Scotland*, and shall after the Expiration of his Apprenticeship, whether he shall have been

so convicted and punished or not, be liable to serve as a Marine according to the Terms of the Enlistment, and if on the Expiration of his Apprenticeship he shall not deliver himself up to some Officer authorized to receive Recruits, may be taken as a Deserter from Her Majesty's Royal Marine Forces.

Claims of Masters to Apprentices.

LXIV. And be it enacted, That no Master shall be entitled to claim an Apprentice who shall enlist as a Marine in Her Majesty's Service unless such Master shall, within One Calendar Month next after such Apprentice shall have left his Service, go before some Justice, and take the Oath mentioned in the Schedule to this Act annexed, and at the Time of making his Claim produce to the Officer under whose Command the Recruit shall be the Certificate of such Justice of his having taken such Oath, which Certificate such Justice is required to give in the Form in the Schedule to this Act annexed; nor unless such Apprentice shall have been bound, if in *England*, for the full Term of Seven Years, (not having been above the Age of Fourteen Years when so bound,) and if in *Ireland* or in the *British* Isles, for the full Term of Five Years at the least, (not having been above the Age of Sixteen when so bound,) and if in *Scotland*, for the full Term at least of Four Years, by a regular Contract or Indenture of Apprenticeship, duly extended, signed, and tested, and binding on both Parties by the Law of *Scotland*, prior to the Period of Enlistment, and unless such Contract or Indenture in *Scotland* shall, within Three Months after the Commencement of the Apprenticeship and before the Period of Enlistment, have been produced to a Justice of the Peace of the County in *Scotland* wherein the Parties reside, and there shall have been endorsed thereon by such Justice a Certificate or Declaration signed by him, specifying the Date when and the Person by whom such Contract or Indenture shall have been so produced, which Certificate or Declaration such Justice of the Peace is hereby required to endorse and sign; nor unless any such Apprentice shall, when claimed by such Master, be under Twenty-one Years of Age: Provided always, that any Master of an Apprentice indentured for the Sea Service shall be entitled to claim and recover him in the Form and Manner above directed, notwithstanding such Apprentice may have been bound for a less Term than Seven, Five, or Four Years as aforesaid: Provided also, that any such Master who shall give up the Indentures of Apprenticeship within One Month after the enlisting of such Apprentice shall be entitled to receive, to his own Use, so much of the Bounty payable to such Recruit, after deducting therefrom Two Guineas to provide him with Necessaries, as shall not have been paid to such Recruit before Notice given of his being an Apprentice.

LXV. And

LXV. And be it enacted, That no Apprentice claimed by his Master shall be taken from any Division, Detachment, Recruiting Party, or Ship of Her Majesty, except under a Warrant of a Justice residing near and within whose Jurisdiction such Apprentice shall then happen to be, and before whom he shall be carried; and such Justice shall inquire into the Matter upon Oath (which Oath he is hereby empowered to administer), and shall require the Production and Proof of the Indenture, and that Notice of the said Warrant has been given to the Commanding Officer, and a Copy thereof left with some Officer or Non-commissioned Officer of the Party, and that such Person so enlisted declared that he was no Apprentice; and such Justice, if required by such Officer or Non-commissioned Officer, shall commit the Offender to the Common Gaol of the said Place, and shall keep the Indenture to be produced when required, and shall bind over such Person as he may think proper to give Evidence against the Offender, who shall be tried at the next or at the Sessions immediately succeeding the next General or Quarter Sessions of the County, Division, or Place, unless the Court shall on just Cause put off the Trial; and the Production of the Indenture, with the Certificate of the Justices that the same was proved, shall be sufficient Evidence of the said Indenture; and every such Offender in *Scotland* may be tried by the Judge Ordinary in the County or Stewartry in such and the like Manner as any Person may be tried in *Scotland* for any Offence not inferring a Capital Punishment: Provided always, that any Justice not required as aforesaid to commit such Apprentice may deliver him to his Master.

No Apprentice claimed by the Master shall be taken away without a Warrant.

Punishment of Apprentices enlisting.

LXVI. And be it enacted, That it shall be lawful for the Justice before whom any Recruit shall be attested before the Expiration of the Term of Service for which he had been hired by his Master to adjudge to such Recruit a reasonable Proportion of his Wages for the Time he has actually served; and the said Justice shall make an Order for the Payment of the Amount so awarded, and if the same be not paid within Four Days shall issue his Warrant for levying the same by Distress and Sale of the Goods and Chattels of the Master.

Servants enlisting to be entitled to a Portion of their Wages.

LXVII. And whereas certain Marines who have heretofore been duly enlisted, and who have voluntarily taken the Oath of Allegiance and Fidelity, and are now receiving Her Majesty's Pay, have been sworn and attested, but Doubts have arisen whether the Justices before whom the said Marines have been so sworn and attested were the proper Justices to administer to such Marines the Oaths prescribed by the several Acts passed for the Regulation of Her Majesty's Royal Marine Forces while on shore: Be it enacted, That in every Case where any such Marine having been duly enlisted shall have been

Removal of Doubts as to Attestation of Marines.

been so attested and sworn, and shall not have claimed to be discharged on or before the Seventeenth Day of *March* One thousand eight hundred and forty-six, he shall not be entitled to his Discharge by reason of such Informality, but shall be liable to all the Provisions of this Act, and of the Act passed in the last Session of Parliament, for the Regulation of Her Majesty's Royal Marine Forces while on shore, where in force, and shall be entitled to the full Benefit of his past Service, and to all Pay and Pension in respect thereof, to all Intents and Purposes, and in like Manner, as if he had been duly attested and sworn.

Admiralty may order Pay to be withheld.

LXVIII. And be it enacted, That it shall also be lawful for the Lord High Admiral, and also for the said Commissioners for executing the Office of Lord High Admiral, to give Orders for withholding the Pay of any Officer or Marine for any Period during which such Officer or Marine shall be absent without Leave, or improperly absent from his Duty, or in case of any Doubt as to the proper Issue of Pay to withhold it from the Parties aforesaid until the said Lord High Admiral or the said Commissioners shall come to a Determination upon the Case.

Billeting of Marines.

LXIX. And whereas there is and may be Occasion for the marching and also for the quartering of the Royal Marine Forces when on shore: Be it enacted, That during the Continuance of this Act, upon the Order or Orders in Writing in that Behalf under the Hand of the Lord High Admiral, or the Hands of Two or more of the Commissioners for executing the Office of Lord High Admiral, for the Time being, or upon the Order or Orders in Writing in that Behalf under the Hand of any Colonel Commandant or Commanding Officer of any Division of Royal Marines, it shall be lawful for all Constables and other Persons specified in this Act in *England* and *Ireland*, and they are hereby required, to billet the Officers and Marines, whether marching or otherwise, and all Staff and Field Officers Horses, and all Bât and Baggage Horses belonging to the Royal Marine Forces, when on actual Service, not exceeding for each Officer the Number for which Forage is or shall be allowed by Her Majesty's Regulations, in Victualling Houses and other Houses specified in this Act, taking care in *Ireland* not to billet less than Two Men in any One House; and they shall be received by the Occupiers of such Houses, and be furnished by such Victualler with proper Accommodation in such Houses, and with a separate Bed for each Marine, or if any Victualler shall not have sufficient Accommodation in the House upon which a Marine is billeted, then in some good and sufficient Quarters to be provided by such Victualler in the immediate Neighbourhood, and in *England* with Diet and Small Beer, and with Stables, Hay, and

and Straw for such Horses as aforesaid, paying and allowing for the same the several Rates herein-after provided; and at no Time when Marines are on March shall any of them be billeted above One Mile from the Place mentioned in the Route; and in all Places where Marines shall be billeted in pursuance of this Act, the Officers and their Horses shall be billeted in one and the same House, except in case of Necessity; and the Constables are hereby required to billet all Marines on their March in a just and equal Proportion upon the Keepers of all Houses within One Mile of the Place mentioned in the Route, although some of such Houses may be in the adjoining County, in like Manner in every respect as if such Houses were therein locally situated: Provided always, that nothing herein contained shall be construed to extend to authorize any Constable to billet Marines out of the County to which such Constable belongs when the Constable of the adjoining County shall be present and undertake to billet the due Proportion of Men in such adjoining County; and no more Billets shall at any Time be ordered than there are effective Marines and Horses present to be billeted; all which Billets, when made out by such Constables, shall be delivered into the Hands of the Commanding Officer present, or to the Non-commissioned Officer on the Spot; and if any Person shall find himself aggrieved by having an undue Proportion of Marines billeted in his House, and shall prefer his Complaint, if against a Constable or other Person not being a Justice, to One or more Justices, and if against a Justice, then to Two or more Justices within whose Jurisdiction such Marines are billeted, such Justices respectively shall have Power to order such of the Marines to be removed and to be billeted upon other Persons as they shall see Cause; and when any Horses belonging to the Officers of Her Majesty's Royal Marine Forces shall be billeted upon the Occupiers of Houses who shall have no Stables, then, upon a written Requisition of the Officer commanding such Marines, the Constable is hereby required to billet the Horses upon some other Person having Stables by this Act liable to have Officers and Marines billeted upon them, and any Two or more Justices of the Peace may order a proper Allowance to be paid by the Persons relieved to the Persons receiving such Horses, or to be applied in the furnishing the requisite Accommodation; and the Commanding Officer may exchange any Man or Horse billeted in any Place with another Man or Horse billeted in the same Place, for the Convenience or Benefit of the Service, provided the Number of Men and Horses do not exceed the Number at that Time billeted on such Houses; and the Constables are hereby required to billet such Men and Horses so exchanged accordingly; and it shall be lawful for any Justice, at the Request of any Officer or Non-commissioned Officer commanding any Marines requiring Billets, to extend any Route, or enlarge

the District within which Billets shall be required, in such Manner as shall appear to be most convenient to Her Majesty's Service: Provided also, that to prevent or punish all Abuses in billeting Marines it shall be lawful for any Justice, within his Jurisdiction, by Warrant or Order under his Hand to require any Constable to give him an Account in Writing of the Number of Officers and Marines who shall be quartered by such Constable, together with the Names of the Persons upon whom such Officers and Marines are billeted, stating the Street or Place where such Persons dwell, and the Signs, if any, belonging to their Houses; and it shall be lawful for Constables to billet Officers and Marines in *Scotland* according to the Provisions of the Laws in force in *Scotland* at the Time of its Union with *England*; and no Officer shall be obliged to pay for his Lodging where he shall be regularly billeted, except in the Suburbs of *Edinburgh*: Provided also, that no Justice being an Officer of Royal Marines shall directly or indirectly be concerned in billeting or appointing Quarters under this Act.

Allowance to Innkeepers.

LXX. And be it enacted, That the Innholder or other Person on whom any Marine is billeted in *England* shall, if required by such Marine, furnish him for every Day on the March, and for a Period not exceeding Two Days when halted at any intermediate Place upon the March, and for the Day of the Arrival at the Place of final Destination, with One hot Meal in each Day, the Meal to consist of such Quantities of Diet and Small Beer as may be fixed by Her Majesty's Regulations, not exceeding One Pound and a Quarter of Meat previously to being dressed, One Pound of Bread, One Pound of Potatoes or other Vegetables, and Two Pints of Small Beer, and Vinegar, Salt, and Pepper, and for such Meal the Innholder or other Person furnishing the same shall be paid the Sum of Tenpence; and all Innholders and other Persons on whom Marines may be billeted in *England*, except when on the March, and entitled to be furnished with the hot Meal as aforesaid, shall furnish such Marines with Candles, Vinegar, and Salt, and shall allow them the Use of Fire and the necessary Utensils for dressing and eating their Meat, and shall be paid in consideration thereof the Sum of a Halfpenny *per Diem* for each Marine; and the Sum to be paid to the Innholder or other Person on whom any of the Horses belonging to Her Majesty's Royal Marine Forces shall be billeted, in *England*, for Hay and Straw, shall be Nine-pence *per Diem* for each Horse, and in *Ireland* the Sum to be paid for Forage to the Innholder or other Person for Horses billeted by virtue of this Act shall be the Rate established by the Lord Lieutenant or other sufficient Authority from Time to Time, the same to be regulated by the average Rate of Contracts for Forage in *Ireland*; and for the Use of Stables in *Ireland*, when

when such Horses are provided with Hay and Straw by Contract, and not by the Occupiers of the Houses in which they are billeted, the Sum of Four-pence *per* Week for each Horse shall be paid; and every Officer to whom it belongs to receive or who does actually receive the Pay and Subsistence of the Officers and Men shall every Four Days, or before they shall quit their Quarters if they shall not remain so long as Four Days, settle the just Demands of all Victuallers or other Persons on whom such Men are billeted, out of their Pay and Subsistence, before any Part of the said Pay or Subsistence be distributed to them respectively; and if any such Officer shall not pay the same as aforesaid, then upon Complaint and Oath made thereof by any Two Witnesses before Two Justices of the Peace for the County, Riding, Division, Liberty, City, Borough, or Place where such Quarters were situate, sitting in Quarter or Petty Sessions, the Secretary of the Admiralty is hereby required, upon Certificate of the Justices before whom such Oath shall be made of the Sum due to Complainant, to order Payment of the Amount which shall be charged against such Officer, and in case of any Marines being suddenly ordered to march, and of the Commanding Officer not being enabled to make immediate Payment of the Sums due on account of Billets, every such Officer shall before his Departure make up the Account with every Person upon whom any such Marines may have been billeted, and sign a Certificate thereof; which Account and Certificate, on being transmitted to the Secretary of the Admiralty, shall be immediately paid and charged to the Officer's Account.

Supply of Carriages.

LXXI. And be it enacted, That for the regular Provision of Carriages for the Royal Marine Forces and their Baggage on their Marches in *Great Britain* and *Ireland*, all Justices of the Peace within their several Jurisdictions, being duly required thereunto by Order of the said Lord High Admiral, or Two or more of the Commissioners for executing the said Office of Lord High Admiral, for the Time being, or any Colonel Commandant or Commanding Officer of a Division of Royal Marines, shall, on the Production of such Order, or a Copy thereof certified by the Commanding Officer, to them or any One or more of them, by the Officer or Non-commissioned Officer of the Party of Marines so ordered to march, issue a Warrant to any Constable having Authority to act in any Place from, through, near, or to which such Marines shall be ordered to march, (for each of which Warrants a Fee of One Shilling only shall be paid,) requiring him to provide the Carriages, Horses, Oxen, and Drivers therein mentioned, (allowing sufficient Time to do the same,) specifying the Places from and to which the said Carriages shall travel, and the Distance between the Places, for which Distance only so specified Payment shall be demanded, and which Distance shall not, except in Cases of pressing Emergency, exceed the Day's March prescribed in the

the Order of Route, and shall in no Case exceed Twenty-five Miles; and the Constables receiving such Warrant shall order such Persons as they shall think proper, having Carriages, to furnish the requisite Supply, who are hereby required to furnish the same accordingly; and in case sufficient Carriages cannot be procured within the proper Jurisdiction, any Justice of the next adjoining Jurisdiction shall, by a like Course of Proceeding, supply the Deficiency; and in order that the Burden of providing Carriages may fall equally, and to prevent Inconvenience arising from there being no Justice residing near the Place where Marines may be quartered on the March, the Justice or Justices residing nearest to such Place shall cause a List to be made out, at least once in every Year, of all Persons liable to furnish such Carriages, and of the Number and Description of their said Carriages, which List shall at all seasonable Hours be open to the Inspection of the said Persons, and shall by Warrant under his Hand authorize the Constables within his Jurisdiction to give Orders to provide Carriages without any special Warrant from him for that Purpose, which Orders shall be valid in all respects; and all Orders for such Carriages shall be made from such Lists in regular Rotation, so far as the same can be done.

Rates for Carriages.

LXXII. And be it enacted, That in every Case in which the whole Distance for which any Carriage shall be impressed shall be under One Mile the Rate of a full Mile shall be paid; and the Rates to be paid for Carriages impressed shall be, in *England*, for every Mile which a Waggon with Four or more Horses, or a Wain with Six Oxen or Four Oxen and Two Horses, shall travel, One Shilling; and for every Mile any Waggon with narrow Wheels, or any Cart with Four Horses carrying not less than Fifteen Hundred Weight, shall travel, Nine-pence; and for every Mile every other Cart or Carriage with less than Four Horses, and not carrying Fifteen Hundred Weight, shall travel, Sixpence; and in *Ireland*, for every Hundred Weight loaded on any Wheel Carriage, One Halfpenny *per* Mile; and in *England* such further Rates may be added, not exceeding a total additional Sum *per* Mile of Four-pence, Three-pence, or Two-pence, to the respective Rates of One Shilling, Nine-pence, and Sixpence, as may seem reasonable to the Justices assembled at General Sessions in *England* for their respective Districts, or to the Recorder of any Municipal City, Borough, or Town, Corporate or not Corporate; and the Order of such Justices at Sessions or Recorder shall specify the average Price of Hay and Oats at the nearest Market Town at the Time of fixing such additional Rates, and the Period for which the Order shall be enforced, not exceeding Ten Days beyond the next General Sessions; and no such Order shall be valid unless a Copy thereof, signed by the presiding Magistrate and One other Justice, or by the Recorder, shall be transmitted to the Secretary of the Admiralty within Three Days after the making thereof; and also in *England*, when

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the Day's March shall exceed Fifteen Miles, the Justice granting his Warrant may fix a further reasonable Compensation not exceeding the usual Rate of Hire fixed by this Act; and when additional Rates or Compensation shall be granted, the Justice shall insert in his own Hand in the Warrant the Amount thereof, and the Date of the Order of Sessions, if fixed by Sessions, and the Warrant shall be given to the Officer commanding, as his Voucher: Provided always, that the Officer or Non-commissioned Officer demanding Carriages by virtue of the Warrant of a Justice shall, in *England*, pay down the proper Sums into the Hands of the Constable providing Carriages, who shall give Receipts for the same on unstamped Paper; and, in *Ireland*, the Officers or Non-commissioned Officers as aforesaid shall pay the Owners or Drivers of the Carriages, and One Third Part of such Payment shall be made before the Carriage be loaded, and all the said Payments in *Ireland* shall be made, if required, in Presence of a Justice or Constable: Provided also, that no Carriage shall be liable to carry more than Thirty Hundred Weight in *England*, and in *Ireland* no Car shall be liable to carry more than Six Hundred Weight, and no Dray more than Twelve Hundred Weight; but the Owner of such Carriages in *Ireland*, consenting to carry a greater Weight, shall be paid at the same Rate for every Hundred Weight of the said Excess; and the Owners of such Carriages in *Ireland* shall not be compelled to proceed, though with any less Weight, under the Sum of Three-pence a Mile for each Car and Sixpence a Mile for each Dray; and the Loading of such Carriages in *Ireland* shall be first weighed, if required, at the Expense of the Owner of the Carriage, if the same can be done in a reasonable Time, without Hindrance of Her Majesty's Service; and the providing and paying for Carriages in *Scotland* shall be regulated by the Law in force at the Time of the Union with *England*: Provided also, that a Cart with One or more Horses, for which the Furnisher shall receive Nine-pence a Mile, shall be required to carry Fifteen Hundred Weight at the least; and that no Penalties or Forfeitures in any Act relating to Highways or Turnpike Roads in the United Kingdom shall apply to the Number of Horses or Oxen, or Weight of Loading of the aforesaid Carriages, nor shall any such Carriages on that Account be stopped or detained; and whenever it shall be necessary to impress Carriages for the March of Marines from *Dublin*, at least Twenty-four Hours Notice of such March, and in case of Emergency as long Notice as the Case will admit, shall be given to the Lord Mayor of *Dublin*, who shall summon a proportional Number of Cars and Drays at his Discretion out of the licensed Cars and Drays and other Cars and Drays within the County of the said City, and they shall by Turns be employed on this Duty at the Prices and under the Regulations herein-before mentioned; and no Country Cars, Drays, or

 other

other Carriages coming to Markets in *Ireland* shall be detained or employed against the Will of the Owners in carrying the Baggage of Marines on any Pretence whatever.

Providing for Supply of Carriages, &c. in Cases of Emergency.

LXXIII. And be it enacted, That it shall be lawful for the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, or the Lord Lieutenant or Chief Governors of *Ireland*, by their or his Orders distinctly stating that a Case of Emergency doth exist, signified by the Secretary of the Admiralty, or, if in *Ireland*, by the Chief Secretary or Under Secretary, or the First Clerk in the Military Department, to authorize any Commanding Officer of Her Majesty's Royal Marine Forces in any District or Place, or to the chief acting Agents for the Supply of Stores and Provisions, by Writing under his Hand, reciting such Order of the Lord High Admiral, or the said Commissioners, or Lord Lieutenant or Chief Governors aforesaid, to require all Justices within their several Jurisdictions in *England* and *Ireland* to issue their Warrants for the Provision, not only of Waggons, Wains, Carts, and Cars kept by or belonging to any Person and for any Use whatsoever, but also of Saddle Horses, Coaches, Post Chaises, Chaises, and other Four-wheeled Carriages kept for Hire, and also of Boats, Barges, and other Vessels used for the Transport of any Commodities whatsoever upon any Canal or navigable River as shall be mentioned in the said Warrants, therein specifying the Place and Distance to which such Carriages or Vessels shall go; and on the Production of such Requisition, or a Copy thereof certified by the Commanding Officer, to such Justice, by any Officer of the Corps ordered to be conveyed, such Justice shall take all the same Proceedings in regard to such additional Supply so required on the said Emergency as he is by this Act required to take for the ordinary Provision of Carriages; and all Provisions whatsoever of this Act as regards the procuring of the ordinary Supply of Carriages, and the Duties of Officers and Non-commissioned Officers, Justices, Constables, and Owners of Carriages in that Behalf, shall be to all Intents and Purposes applicable for the providing and Payment according to the Rates of Posting or of Hire usually paid for such other Description of Carriages or Vessels so required on Emergency, according to the Length of the Journey or Voyage in each Case, but making no Allowance for Post Horse Duty, or Turnpike, Canal, River, or Lock Tolls, which Duty or Tolls are hereby declared not to be demandable for such Carriages and Vessels while employed in such Service or returning therefrom; and it shall be lawful to convey thereon not only the Baggage, Provisions, and Military Stores of such Detachment, but also the Officers, Marines, Servants, Women, Children, and other Persons of and belonging to the same.

LXXIV. And

LXXIV. And be it enacted, That it shall be lawful for the Justices of the Peace assembled at their Quarter Sessions to direct the Treasurer to pay, without Fee, out of the Public Stock of the County or Riding, or if such public Stock be insufficient then out of the Monies which the said Justices shall have Power to raise for that Purpose, in like Manner as for County Gaols and Bridges, such reasonable Sums as shall have been expended by the Constables within their respective Jurisdictions for Carriages and Vessels, over and above what was or ought to have been paid by the Officer requiring the same, regard being had to the Season of the Year and Condition of the Ways by which such Carriages and Vessels are to pass.

Justices of Peace to direct Payment of Sums expended for Carriages, &c.

LXXV. And be it enacted, That it shall be lawful for the said Lord Lieutenant or other Chief Governor for the Time being of *Ireland* to depute, by Warrant under his Hand and Seal, some proper Person to sign Routes in Cases of Emergency for the marching of any of Her Majesty's Royal Marine Forces in *Ireland*, in the Name of such Lord Lieutenant or Chief Governor.

Lord Lieutenant of Ireland may depute Persons to sign Routes.

LXXVI. And be it enacted, That all Officers and Marines, being in proper Uniform, Dress or Undress, and their Horses, (but not when passing in any private or hired Vehicle,) and all Recruits marching by Route, and all Prisoners under Military Escort, and all Carriages and Horses belonging to Her Majesty, or employed in Her Service, under the Provisions of this Act, when employed in conveying Persons or Baggage, or returning therefrom, shall be exempted from the Payment of any Duties and Tolls on embarking or disembarking from or upon any Pier, Wharf, Quay, or Landing Place, or passing Turnpike Roads or Bridges, otherwise demandable by virtue of any Act already made or hereafter to be made; and if any Toll Collector shall demand or receive Toll from any Marine Officer or Marine who shall be in proper Uniform, Dress or Undress, or for their Horses, and who by this Act is exempted from Payment thereof, or from any Recruits marching by Route, or from any Prisoners under Military Escort, or for any Carriages or Horses belonging to Her Majesty, or employed in Her Service, under the Provisions of this Act, when conveying Persons or Baggage, or returning therefrom, every such Collector shall for every such Offence be liable to a Penalty not exceeding Five Pounds; provided that nothing herein contained shall exempt any Boats, Barges, or other Vessels employed in conveying the said Persons, Horses, Baggage, or Stores along any Canal from Payment of Tolls in like Manner as other Boats, Barges, and Vessels are liable thereto, except when employed in Cases of Emergency as herein mentioned; and that when any Officers or Marines on Service shall have Occasion in the March by Route to

Exemption from Tolls.

pass

pass regular Ferries in *Scotland*, the Officer commanding shall be at liberty to pass over with his Marines as Passengers, paying for himself and each Marine One Half only of the ordinary Rate payable by Passengers, or he shall be at liberty to hire the Ferry Boat for himself and his Party, debarring all others for that Time, and shall in such Case pay only Half the ordinary Rate for such Boat.

Marching Money on Discharge.

LXXVII. And be it enacted, That every Marine upon being discharged from the Service shall be entitled to an Allowance (not exceeding in any Case the Amount of Twenty-one Days Marching Money) to enable him to reach his Home, or the Place at which he shall at the Time of his Discharge decide to take up his Residence, such Place not being at a greater Distance from the Place of his Discharge than the Place of his original Enlistment, which Allowance shall be calculated according to the Distance he has to travel: Provided always, that no Person who shall purchase his own Discharge, or be discharged on account of Misbehaviour, or at his own Desire, before the Expiration of his Period of Service, shall be entitled to any such Allowance.

Notification to Parishes of good or bad Conduct of Marines.

LXXVIII. And be it enacted, That the Churchwardens of every Parish in *England* and *Ireland*, and the Constable or other Officer of every Parish or Place in *Scotland*, on receiving a Notification from the Secretary of the Admiralty of the Name of any Marine belonging to the said Parish or Place who has for meritorious Conduct received Her Majesty's special Approbation, or who in consequence of Misconduct has been dismissed Her Majesty's Service with Disgrace, shall affix to and leave such Notification on the Outside of the Door of the Church or Chapel belonging to such Parish or Place on the *Sunday* next succeeding the Receipt of such Notification.

Penalties upon Civil Subjects offending against the Laws relating to Billets and Carriages.

LXXIX. And be it enacted, That if any Constable or other Person who by virtue of this Act shall be employed in billeting any Officers or Marines in any Part of the United Kingdom shall presume to billet any such Officer or Marine in any House not within the Meaning of this Act, without the Consent of the Owner or Occupier thereof; or shall neglect or refuse to billet any Officer or Marine on Duty when thereunto required, in such Manner as is by this Act directed, provided sufficient Notice be given before the Arrival of such Marines; or shall receive, demand, or agree for any Money or Reward whatsoever, in order to excuse any Person from receiving any such Officer or Marine; or shall quarter any of the Wives, Children, Men or Maid Servants of any Officer or Marine in any such Houses against the Consent of the Occupiers; or shall neglect or refuse to execute such

Warrants

Warrants of the Justices as shall be directed to him for providing Carriages, Horses, or Vessels, or shall demand more than the legal Rates for the same; or if any Person ordered by any Constable in manner herein-before directed to provide Carriages, Horses, or Vessels, shall refuse or neglect to provide the same according to the Orders of such Constable, or shall demand more than the legal Rates for the same, or shall do any Act or Thing by which the Execution of any Warrants for providing Carriages, Horses, or Vessels shall be hindered; or if any Person liable by this Act to have any Officer or Marine quartered on him shall refuse to receive any such Officer or Marine, or to afford him proper Accommodation or Diet in the House of such Person in which he is quartered, or to furnish the several Things directed to be furnished to Officers and Marines, or shall neglect or refuse to furnish good and sufficient Stables, together with good and sufficient Hay and Straw for each Horse, at the Rate established by this Act, and in such Quantities as shall be fixed by Her Majesty's Regulations, not exceeding Eighteen Pounds of Hay and Six Pounds of Straw *per Diem* for each Horse, or shall pay any Sum of Money to any Marine on the March in lieu of furnishing in Kind the Diet and Small Beer to which such Marine is entitled; such Constable, Victualler, and other Person respectively shall forfeit for every Offence, Neglect, or Refusal any Sum not exceeding Five Pounds nor less than Forty Shillings.

Penalty upon Officers of Marines so offending.

LXXX. And be it enacted, That if any Officer of Royal Marines shall take upon him to quarter Men otherwise than is allowed by this Act, or shall use or offer any Menace or Compulsion to or upon any Justice, Constable, or other Civil Officer tending to deter and discourage any of them from performing any Part of their Duty under this Act, or to do anything contrary thereto, such Officer shall for every such Offence, being thereof convicted before any Two or more Justices of the County by the Oath of Two credible Witnesses, be deemed and taken to be *ipso facto* cashiered, and shall be utterly disabled to hold any Military Employment in Her Majesty's Service; provided a Certificate thereof be forthwith transmitted by the said Justices to the Secretary of the Admiralty, and that the Conviction be affirmed at some Quarter Sessions of the Peace for the said County to be held next after the Expiration of Three Months after such Certificate shall have been transmitted as aforesaid; and if any Marine Officer shall take or knowingly suffer to be taken any Money or Reward of any Person for excusing the quartering of Officers or Marines, or shall billet any of the Wives, Children, Men or Maid Servants of any Officer or Marine in any House against the Consent of the Occupier, he shall for any of the said Offences, upon being convicted thereof before a General Court-martial, be cashiered; and if any Officer shall constrain any Carriage to travel beyond the Distance specified in the

Justice's Warrant, or shall not discharge the same in due Time for their Return home on the same Day, if it be practicable, except in the Case of Emergency, for which the Justice shall have given Licence, or shall compel the Driver of any Carriage to take up any Marine or Servant (except such as are sick) or any Woman to ride therein, except in Cases of Emergency as aforesaid, or shall force any Constable, by threatening Words, to provide Saddle Horses for himself or Servants, or shall force Horses from their Owners, or in *Ireland* shall force the Owner to take any Loading until the same shall be first duly weighed, if the same shall be required and can be done within a reasonable Time, or shall, contrary to the Will of the Owner or his Servant, permit any Person whatsoever to put any greater Load upon any Carriage than is directed by this Act, he shall forfeit for every Offence any Sum not exceeding Five Pounds nor less than Forty Shillings.

Penalty for forcible Entry.

LXXXI. And be it enacted, That every Marine Officer who shall, without Warrant from One or more of Her Majesty's Justices, forcibly enter into or break open the Dwelling House or Outhouses of any Person whomsoever, under Pretence of searching for Deserters, shall, upon due Proof thereof, forfeit the Sum of Twenty Pounds.

Penalty for purchasing Clothes, &c. from any Marine.

LXXXII. And be it enacted, That any Person who shall detain, buy, or exchange, or otherwise receive from any Marine or Marine Deserter, or any other Person, upon any Account or Pretence whatsoever, or shall solicit or entice any Marine, or shall be employed by any Marine, knowing him to be such, to sell any Arms, Ammunition, Marine Clothes, or Military Furniture, or any other Articles which, according to the Custom of the Marine Corps, are generally deemed Regimental Necessaries, or any Provisions, Sheets, or other Articles used in Barracks or provided under Barrack Regulations, or who shall have in his or her Possession or Keeping any Arms, Ammunition, Marine Clothes, or Military Furniture, or any other Articles, which, according to the Custom of the Marine Corps, are generally deemed Regimental Necessaries, or any Provisions, Sheets, or other Articles used in Barracks or provided under Barrack Regulations, and shall not give a satisfactory Account how he or she came by the same, or shall change or cause the Colour or Mark of any such Clothes, Appointments, or Necessaries to be changed or defaced, shall forfeit for every such Offence any Sum not exceeding Twenty Pounds, together with Treble the Value of all or any of the several Articles of which such Offender shall so become possessed; and if any Person having been so convicted shall afterwards be guilty of any such Offence, and shall be convicted thereof by One or more Justices of the Peace, every such Offender shall for every such Offence forfeit any Sum not exceeding Twenty Pounds but not less than Five Pounds,

Pounds, and the Treble Value of all or any of the several Articles of which such Offender shall have so become possessed, and shall, in addition to such Forfeiture, be committed to the Common Gaol or House of Correction, there to be imprisoned only, or to be imprisoned and kept to hard Labour, for such Term not exceeding Six Calendar Months as the convicting Justice or Justices shall think fit, and upon any Information against any Person for a Second or any subsequent Offence, a Copy of the Conviction certified by the proper Officer having the Care or Custody of such Conviction, or any Copy of the same proved to be a true Copy, shall be sufficient Evidence to prove a Conviction for the former Offence; and if any credible Person shall prove, on Oath before a Justice of the Peace or Person exercising like Authority according to the Laws of that Part of Her Majesty's Dominions in which the Offence shall be committed, a reasonable Cause to suspect that any Person has in his or her Possession or on his or her Premises any Property of the Description hereinbefore described, on or with respect to which any such Offence shall have been committed, the Justice may and he is hereby required to grant a Warrant to search for such Property as in the Case of stolen Goods; and if upon Search any such Property shall be found the same shall and may be seized by the Officer charged with the Execution of such Warrant, who shall bring the Offender in whose Possession the same shall be found before such Justice, to be dealt with according to Law.

Penalty on unlawful recruiting.

LXXXIII. And be it enacted, That all the Persons (except such Recruiting Parties as may be stationed under Military Command) who shall cause to be advertised, posted, or dispersed Bills for the Purpose of procuring Recruits or Substitutes for the Royal Marines, or shall open or keep any House or Place of Rendezvous or Office, or receive any Person therein under such Bill or Advertisement as connected with the Marine Recruiting Service, or shall directly or indirectly interfere therewith, without Permission in Writing from the Lord High Admiral, or the said Commissioners for executing the Office of Lord High Admiral, shall forfeit for every such Offence the Sum of Twenty Pounds.

Penalty on Officers killing Game.

LXXXIV. And for the better Preservation of the Game and Fish in or near such Place where any Officer shall at any Time be quartered, be it enacted, That every Officer who shall, without Leave in Writing from the Person or Persons entitled to grant such Leave, take, kill, or destroy any Game or Fish within the United Kingdom, and who upon Complaint thereof shall be, upon Oath of One or more credible Witness or Witnesses, convicted before any Justice, shall for every such Offence forfeit the Sum of Five Pounds.

LXXXV. And

Limitation of Actions.

LXXXV. And be it enacted, That if any Action shall be brought against any Member or Members of a Court-martial to be assembled under the Authority of this Act, or of any Act heretofore passed for the Regulation of Her Majesty's Royal Marine Forces while on Shore, in respect of the Proceedings or the Sentence thereof, or against any other Person, for anything done in pursuance or under the Authority of this Act, or of any Act heretofore passed for the Regulation of Her Majesty's Royal Marine Forces while on Shore, the same shall be brought in some one of the Courts of Record at *Westminster* or *Dublin*, or in the Court of Session in *Scotland*, and shall be commenced within Six Months next after the Cause of Action shall arise, and that it shall be lawful for the Defendant or Defendants therein, or in any such Action now pending, to plead thereto the General Issue, and to give all special Matter in Evidence, on the Trial; and if the Verdict shall be for the Defendant in any such Action, or if the Plaintiff shall become nonsuit or suffer any Discontinuance thereof, or if, in *Scotland*, the Court shall see fit to assoilzie the Defendant or dismiss the Complaint, the Court in which the Matter shall be tried shall allow the Defendant Treble Costs, for the Recovery of which he shall have the like Remedy as in other Cases where Costs by the Laws of this Realm are given to Defendants.

Recovery of Penalties.

LXXXVI. And be it enacted, That all Offences for which any pecuniary Penalty or Forfeiture not exceeding Twenty Pounds, over and above any Forfeiture of Value or Treble Value, is by this Act imposed, shall and may be heard and determined by any Justice of the Peace in or near to the Place where the Offence shall be committed, or where the Offender may at any Time happen to be; and all such Penalties and Forfeitures, and Forfeiture of Value and Treble Value, and also the reasonable Costs attending the Prosecution, to be duly ascertained and awarded by such Justice, shall and may be enforced and recovered in the same Manner as any pecuniary Penalties may be recovered under the Provisions of an Act passed in the Twelfth Year of the Reign of Her Majesty, intituled *An Act to facilitate the Performance of the Duties of Justices of the Peace out of Sessions within* England *and* Wales *with respect to summary Convictions and Orders:* Provided always, that in all Cases in which there shall not be sufficient Goods whereon any Penalty or Forfeiture can be levied, the Offender may be committed and imprisoned, with or without hard Labour, for any Time not exceeding Six Calendar Months; which said recited Act shall be used and applied in *Scotland* for the Recovery of all such Penalties and Forfeitures as fully to all Intents as if the said recited Act had extended to *Scotland*, anything in the said recited Act to the contrary notwithstanding; and all such Offences committed in the *British* Isles, or in any of

11 & 12 Vict. c. 43.

Her Majesty's Dominions beyond the Seas, may be determined, and the Penalties and Forfeitures of Value or Treble Value recovered, before any Justices of the Peace or Persons exercising like Authority, according to the Laws of Her Majesty's Dominions in which the Offence shall be committed; and all Penalties and Forfeitures by this Act imposed exceeding Twenty Pounds shall be recovered by Action in some of the Courts of Record at *Westminster* or in *Dublin*, or in the Court of Session in *Scotland*, and in no other Court in the United Kingdom, and may be recovered in the *British* Isles, or in any other Part of Her Majesty's Dominions, in any of the Royal or Superior Courts of such Isles or other Parts of Her Majesty's Dominions.

Appropriation of Penalties.

LXXXVII. And be it enacted, That one Moiety of every such Penalty or Forfeiture, not including any Treble Value of any Articles, shall go to the Person who shall inform or sue for the same, and the other Moiety, together with the Treble Value of such Articles, or where the Offence shall be proved by the Person who shall inform, then the whole of the Penalty and such Treble Value, shall be paid over and applied in such Manner as the Lord High Admiral or the Commissioners for executing the Office of Lord High Admiral shall direct; anything in an Act passed in the Sixth Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to provide for the Regulation of Municipal Corporations in* England *and* Wales, or in any other Act or Acts of Parliament, to the contrary notwithstanding; and every Justice who shall adjudge any Penalty under this Act shall, within Four Days thereafter at the furthest, report the same, and his Adjudication thereof, to the Secretary of the Admiralty.

5 & 6 W. 4. c. 76.

Licences of Canteens.

LXXXVIII. And be it enacted, That it shall be lawful for any Two Justices of the Peace, within their respective Jurisdictions, to grant or transfer any Licence for selling by Retail any Spirit, Beer, Wine, Cider, or Perry to any Person or Persons applying for the same who shall hold any Canteen under any Lease thereof, or by Agreement with any Department or other Authority under the said Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral for the Time being, without regard to the Time of Year, or any Notices or Certificates required by any Act in respect of such Licences; and the Commissioners of Excise or their proper Officers within their respective Districts shall also grant or transfer any such Licence as aforesaid; and such Persons holding such Canteens, and having such Licences as aforesaid, may sell therein Victuals, and all such exciseable Liquors as they shall be licensed and empowered to sell, without being subject for so doing to any Penalty or Forfeiture whatever.

Mode of recording a Marine's Settlement.

LXXXIX. And be it enacted, That any Justice in the United Kingdom, within whose Jurisdiction any Marine shall be quartered on shore, may summon such Marine before him, which Summons such Marine is hereby required to obey, and take his Examination in Writing upon Oath touching the Place of his last legal Settlement in *England*; and such Justice shall give an attested Copy of such Examination to the Person so examined, to be by him delivered to his Commanding Officer, to be produced when required; which said Examination and such attested Copy shall be at any Time admitted in Evidence as to such legal Settlement before any Justice or at any General or Quarter Sessions of the Peace, although such Marine be dead or absent from the Kingdom: Provided always, that in case any Marine shall be again summoned to make Oath as aforesaid, then, on such Examination or such attested Copy being produced, such Marine shall not be obliged to make any other or further Oath with regard to his legal Settlement, but shall leave with such Justice a Copy of such Examination or a Copy of such attested Copy of Examination, if required.

Administration of Oaths.

Perjury.

XC. And be it enacted, That all Oaths and Declarations which are authorized or required by this Act may be administered (unless where otherwise provided) by any Justice of the Peace or Magistrate acting as such; and that any Person giving false Evidence or taking a false Oath or Declaration in any Case wherein an Oath or Declaration is authorized or required to be taken by this Act, and being thereof duly convicted, shall be deemed guilty of wilful and corrupt Perjury, and shall be liable to such Pains and Penalties as Persons convicted of wilful and corrupt Perjury are or may be subject and liable to.

Definition of Terms.

XCI. And be it enacted, That all Clauses and Provisions in this Act contained relating to *England* shall be construed to extend to *Wales* and the Town of *Berwick-upon-Tweed*; and the Provisions of this Act shall apply to all Persons who are or shall be commissioned or in Pay as an Officer of Royal Marines, or who are or shall be listed or in Pay as a Non-commissioned Officer or Marine; and all Clauses and Provisions relating to Marines shall be construed to include Non-commissioned Officers and Drummers, unless when otherwise provided; and all Clauses and Provisions relating to Justices shall be construed to extend to all Magistrates authorized to act as such in their respective Jurisdictions; and all the Powers given to and Regulations made for the Conduct of Constables, and all Penalties and Forfeitures for any Neglect thereof, shall extend to all Tithingmen, Headboroughs, and such like Officers, and Inspectors or other Officers of Police, and High Constables, and other chief Officers and Magistrates of Cities, Towns, Villages, and Places in *England* and *Ireland*, and to all Justices of the

the Peace, Magistrates of Burghs, Commissioners of Police, and other chief Officers and Magistrates of Cities, Towns, Villages, Parishes, and Places in *Scotland*, who shall act in the Execution of this Act; and all Provisions for billeting Marines in Victualling Houses shall extend and apply to all Inns, Livery Stables, Alehouses, and to the Houses of Sellers of Wine by Retail, whether *British* or Foreign, to be drank in their own Houses or Places thereunto belonging, to all Houses of Persons licensed to sell Beer, Ale, Porter, Cider, or Perry by Retail, to be consumed or drank in their Dwelling Houses or Premises, and to all Houses of Persons selling Brandy, Strong Waters, Cider, or Metheglin, by Retail, in *England* and *Ireland*; and in *Ireland*, when there shall not be found sufficient Room in such Houses, then Marines may be billeted in such Manner as has been heretofore customary: Provided always, that no Officer or Marine shall be billeted in *England* in any private Houses or in any Canteen held or occupied under the Authority of the Ordnance or Marine Department, or upon Persons who keep Taverns only being Vintners of the City of *London* admitted to their Freedom of that Company in right of Patrimony or Apprenticeship, notwithstanding such Persons who keep such Taverns only have taken out Victualling Licences; nor in the House of any Distiller kept for distilling Brandy and Strong Waters; nor in the House of any Shopkeeper whose principal Dealings shall be more in other Goods and Merchandize than in Brandy and Strong Waters, so as such Distillers and Shopkeepers do not permit Tippling in such Houses; nor in the House or Residence in any Part of the United Kingdom of any Foreign Consul duly accredited as such.

Marines not to be billeted in private Houses, &c.

XCII. And be it enacted, That this Act shall continue in force within *Great Britain* from the Twenty-fifth Day of *April* One thousand eight hundred and fifty until the Twenty-fifth Day of *April* One thousand eight hundred and fifty-one inclusive; and within *Ireland*, and in *Jersey*, *Guernsey*, *Alderney*, *Sark*, and the *Isle of Man*, and the Islands thereto belonging, from the First Day of *May* One thousand eight hundred and fifty until the First Day of *May* One thousand eight hundred and fifty-one inclusive; and within the Garrison of *Gibraltar*, and in *Spain* and *Portugal*, from the Twenty-fifth Day of *July* One thousand eight hundred and fifty until the Twenty-fifth Day of *July* One thousand eight hundred and fifty-one inclusive; and in all other Parts of *Europe* where Royal Marine Forces may be serving, and the *West Indies* and *North America*, and *Cape of Good Hope*, from the Twenty-fifth Day of *September* One thousand eight hundred and fifty until the Twenty-fifth Day of *September* One thousand eight hundred and fifty-one inclusive; and in all other Places from the Twenty-fifth Day of *November* One thousand eight hundred

Duration of Act.

hundred and fifty until the Twenty-fifth Day of *November* One thousand eight hundred and fifty-one inclusive.

Act may be amended, &c.

XCIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

SCHEDULE referred to by this Act.

Form of Oaths to be taken by Members of Courts-martial.

YOU shall well and truly try and determine according to the Evidence in the Matter now before you. So help you GOD.

I do swear, That I will duly administer Justice, according to the Rules and Articles for the better Government of Her Majesty's Royal Marine Forces, and according to an Act now in force for the Regulation of the said Forces while on shore, without Partiality, Favour, or Affection, and if any Doubt shall arise which is not explained by the said Articles or Act, according to my Conscience, the best of my Understanding, and the Custom of War in the like Cases; and I further swear, That I will not divulge the Sentence of the Court until it shall be duly approved; neither will I, upon any Account, at any Time whatsoever, disclose or discover the Vote or Opinion of any particular Member of the Court-martial, unless required to give Evidence thereof as a Witness by a Court of Justice or a Court-martial in a due Course of Law.

So help me GOD.

Form of Oath of Judge Advocate.

I do swear, That I will not, upon any Account whatsoever, disclose or discover the Vote or Opinion of any particular Member of the Court-martial, unless required to give Evidence thereof as a Witness by a Court of Justice or a Court-martial in a due Course of Law; and that I will not, unless it be necessary for the due Discharge of my official Duties, disclose the Sentence of the Court until it shall be duly approved.

So help me GOD.

QUESTIONS to be separately put by the JUSTICE to a RECRUIT.

1. What is your Name?
2. In what Parish, and in or near what Town, and in what County, were you born?
3. What is your Age?
4. What is your Trade or Calling?
5. Are you an Apprentice?
6. Are you married?
7. Are you ruptured or lame; have you ever been subject to Fits; or have you any Disability or Disorder which impedes the free Use of your Limbs, or unfits you for ordinary Labour?
8. Are you willing to be attested to serve in the Royal Marine Forces for the Term of [*This Blank to be filled up by the Justice with* "Twelve Years," *if the Person enlisted is of the Age of Eighteen Years or upwards, but if under that Age then the Difference between his Age and Eighteen is to be added to such Twelve Years*], provided Her Majesty should so long require your Services, and also for such further Term, not exceeding Two Years, as shall be directed by the Commanding Officer on any Foreign Station?
9. At what Place, on what Day, at what Hour of the Day, and where and by whom were you enlisted?
10. For what Bounty did you enlist?
11. Have you any Objection to make to the Manner of your Enlistment?
12. Do you now belong to the Militia?
13. Do you belong to any Regiment, or to the Marines, Ordnance, or Navy, or to the Forces of the East India Company?
14. Have you ever served in the Army, Marines, Ordnance, or Navy, or in the Forces of the East India Company?
15. Have you ever been rejected as unfit for Her Majesty's Service, or for the Service of the East India Company, upon any prior Enlistment?

Note.—The Magistrate is directed in putting the Twelfth Question to the Recruit, and before he receives his Answer, distinctly to apprize the Recruit that if he belongs to the Militia, and denies the Fact, he is liable to Six Months Imprisonment.

OATH to be taken by a RECRUIT on Attestation.

I do make Oath, That the above Questions have been separately put to me, that the Answers thereto have been read over to me, and that they are the same that I gave, and are true.

I do also make Oath, That I will be faithful and bear true Allegiance to Her Majesty, Her Heirs and Successors; and that I will, as in Duty bound, honestly and faithfully defend Her Majesty, Her Heirs

and Successors, in Person, Crown, and Dignity, against all Enemies; and will observe and obey all Orders of Her Majesty, Her Heirs and Successors, and of the Generals and Officers set over me.

So help me GOD.

Witness my Hand,

Signature of the Recruit.
Witness present.

Sworn before me at this Day of One thousand eight hundred and at o'Clock.

Signature of the Justice.

CERTIFICATE to be given by the JUSTICE.

Description of

Age, apparently
Height, Feet Inches.
Complexion,
Eyes,
Hair,
Any distinctive Mark.

to wit. } I one of Her Majesty's Justices of the Peace at do hereby certify, That the above is the Description of the Recruit ; and in my Presence all the foregoing Questions were put to the said that the Answers written opposite to them are those which he gave to me; and that the Thirtieth and Thirty-sixth Articles of the Rules and Articles for the better Government of Her Majesty's Royal Marine Forces while on shore, against Mutiny and Desertion, were read over to him; that he took the Oath of Allegiance and Fidelity; that he received the Sum of on being attested this Day; that he was not attested until Twenty-four Hours had elapsed after he received Enlisting Money; that [*this Blank is to be supplied by the Words* "the Place where he swears that he enlisted is in the Vicinity of my Residence," *or by the Words* "the Place where he swears that he enlisted is within the Division, District, or Place for which I act," *or by the Words* "I am acting within the Division, District, or Place where the Head Quarters of the Recruiting Party is stationed," *as the Case may be*]; that I am not an Officer in the Marines, and that I have given him a Duplicate of this Certificate signed with my Name.

Signature of the Justice.

DECLARATION

DECLARATION to be made by a MARINE renewing his Service.

I do declare, That I am at present [*or* was, *as the Case may be*,] in the Division of the Royal Marine Forces; that I enlisted on the Day of for a Term of Years; that I am of the Age of Years; and that I will serve Her Majesty, Her Heirs and Successors, as a Marine, for a further Term of Years [*to be filled up with* Twelve Years, *and in the Case of a Marine about to embark for Foreign Service, with such Number of Years as shall be required to complete a total Service of Twenty-four Years*], provided my Services should so long be required, and also for such further Term, not exceeding Two Years, as shall be directed by the Commanding Officer on any Foreign Station.

Declared before me

_____ *Signature of Marine.*

_____ *Signature of Witness.*

FORM of OATH to be taken by a MASTER whose Apprentice has absconded.

I of do make Oath, That I am by Trade a , and that was bound to serve as an Apprentice to me in the said Trade, by Indenture dated the Day of for the Term of Years; and that the said did on or about the Day of last abscond and quit my Service without my Consent, and that to the best of my Knowledge and Belief the said is aged about Years. Witness my Hand at the Day of One thousand eight hundred and

Sworn before me at this Day of One thousand eight hundred and

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FORM of JUSTICE'S CERTIFICATE to be given to the MASTER of an Apprentice.

to wit. } I one of Her Majesty's Justices of the Peace of certify, That of came before me at the Day of One thousand eight hundred and , and made Oath that he was by Trade a , and that was bound to serve as an Apprentice to him in the said Trade, by Indenture dated the Day of , for the Term of Years; and that the said Apprentice did on or about the Day of abscond and quit the Service of the said without his Consent; and that to the best of his Knowledge and Belief the said Apprentice is aged about Years.

DESCRIPTION

Marine Mutiny.

DESCRIPTION RETURN of committed to Confinement at on the Day of as Deserter from the Royal Marines.

Age - - - - -	
Height - - - -	Feet. Inches.
Complexion - - - - -	
Hair - - - - -	
Eyes - - - -	
Marks - - - -	
Probable Date of Enlistment, and where -	
Probable Date of Desertion, and from what Place - - - -	
* Name and Occupation and Address of the Person by whom apprehended -	
* Particulars of the Evidence on which the Prisoner is committed -	
* Whether the Prisoner was apprehended or voluntarily surrendered himself as a Deserter - -	
* Whether the Prisoner confessed before the Magistrate that he is a Deserter	

* It is important for the Public Service, and for the Interest of the Deserter, that this Part of the Return should be accurately filled up, and the Details should be inserted by the Magistrate in his own Handwriting, or, under his Direction, by his Clerk.

I do hereby certify, that the Prisoner has been duly examined before me as to the Circumstance herein stated, and has declared in my Presence that he † a Deserter from the above-mentioned Corps.

——— *Signature and Address of Magistrate.*
——— *Signature of Prisoner.*
——— *Signature of Informant.*

† Insert "is" or "is not," as the Case may be.

I certify, that I have inspected the Prisoner, and consider him ‡ for Military Service.

——— *Signature of Military Medical Officer, or of Private Medical Practitioner.*

‡ Insert "fit" or "unfit," as the Case may be, and if unfit, state the Cause of Unfitness.

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VICTORIÆ REGINÆ.

***

abolished shall be transferred to and vested in and shall hereafter be exercised by the Commissioners of Police of the Metropolis, in as full and ample a Manner to all Intents and Purposes as they were vested in and might have been exercised by the said Registrar of Metropolitan Public Carriages.

Retiring Allowances may be granted to Officers whose Office abolished.

III. And be it enacted, That it shall be lawful for the Commissioners of Her Majesty's Treasury, and they are hereby empowered, to grant such retiring Allowances and Compensation as under the Circumstances of the Case they may deem reasonable and proper to any Officer or Person who may be deprived of his Office or Employment, or be superseded under the Provisions of this Act; and all such retiring Allowances and Compensations shall be paid by the Commissioners of Inland Revenue out of any Monies to arise from any of the Duties under their Care and Management.

Standings for Hackney Carriages to be appointed.

IV. And be it enacted, That it shall be lawful for the said Commissioners of Police from Time to Time to appoint Standings for Hackney Carriages at such Places as they shall think convenient in any Street, Thoroughfare, or Place of public Resort within the Metropolitan Police District, any Law, Statute, or Custom to the contrary thereof notwithstanding, and at their Discretion to alter the same, and from Time to Time to make Regulations concerning the Boundaries of the same, and the Number of Carriages to be allowed at any such Standing, and the Times at and during which they may stand and ply for Hire at any such Standing, and also from Time to Time to make such Regulations as the said Commissioners shall deem proper for enforcing Order at every such Standing, and for removing any Person who shall unnecessarily loiter or remain at or about any such Standing; and the said Commissioners shall cause all the Orders and Regulations to be made by them as aforesaid to be advertised in the *London Gazette*, and a Copy thereof, signed by One of the said Commissioners, to be hung up for public Inspection in the Office of the Commissioners of Police in the City of *Westminster* and at each of the Police Courts, and such Copy shall be received in Evidence in the said Courts as if it were the Original of which it purports to be a Copy, and shall be taken to be a true Copy of such original Order or Regulation, without further Proof than the Signature of the said Commissioner.

Repeal of Local Acts.

6 & 7 Vict. c. 86.

V. And whereas Doubts have arisen whether the Powers given to the said Commissioners of Police by an Act passed in the Seventh Year of the Reign of Her Majesty Queen *Victoria*, intituled *An Act for regulating Hackney and Stage Carriages in and near* London,

London, to appoint, alter, and regulate Standings for Hackney Carriages, supersede the Powers and Provisions relating to the same Matters or Subject contained in local and other Acts applicable to certain Parishes and Places within the Metropolitan Police District: Be it therefore enacted, That so much of the several Acts in force before the passing of the said Act of the Seventh Year of the Reign of Her Majesty as relates to the appointing, continuing, altering, directing, or regulating Standings for Hackney Carriages or Chairs within any Part of the Metropolitan Police District shall be and the same is hereby repealed, save and except so far as the Provisions of the said Acts may repeal the whole or any Part of any other Acts in relation to the Matters aforesaid, and except as to Offences and other Matters committed or done before the Commencement of this Act, which shall be dealt with and punished as if this Act had not been passed.

Saving of Bloomsbury Square Act.

VI. Provided always, and be it enacted, That nothing in this Act or in the said Act of the Seventh Year of the Reign of Her present Majesty contained shall alter or repeal, or be construed to alter or repeal, or invalidate, or in anywise prejudicially affect, either wholly or in part, an Act passed in the Forty-sixth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for ornamenting and embellishing the Centre or Area of* Bloomsbury Square *in the Parish of* Saint George Bloomsbury *in the County of* Middlesex, *and for preventing Hackney Coaches standing or plying for Hire in or near the said Square.*

46 G. 3. c. 134.

One Police Commissioner may act.

VII. And be it enacted, That all Things herein authorized to be done by the Commissioners of Police of the Metropolis shall be done by such One of the said Commissioners as One of Her Majesty's Principal Secretaries of State shall from Time to Time be pleased to appoint.

This Act to be construed with 6 & 7 Vict. c. 86.

VIII. And be it enacted, That this Act shall be construed as One Act with the said Act passed in the Seventh Year of the Reign of Her Majesty Queen *Victoria*, intituled *An Act for regulating Hackney and Stage Carriages in and near* London, and that all the Provisions of the said Act, except so far as is herein otherwise provided, shall extend to this Act, and to all Things done in execution of this Act.

Commencement of this Act.

IX. And be it enacted, That this Act shall commence and take Effect from the Fifth Day of *April* One thousand eight hundred and fifty.

X. And

Act may be amended, &c.

X. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

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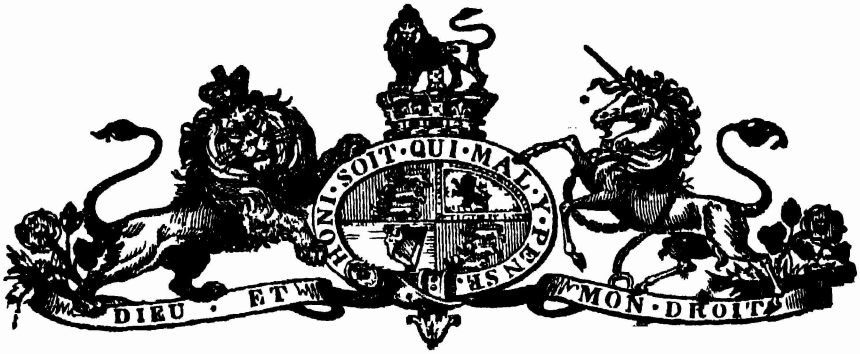

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VICTORIÆ REGINÆ

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Inclosures mentioned in Schedule may be proceeded with.

Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said several proposed Inclosures mentioned in the Schedule to this Act be proceeded with.

Proceedings in the Matter of Common Wood Inclosure confirmed.

II. And whereas in the Matter of the Inclosure of *Common Wood* situate in the Parish of *Holt*, in the County of *Denbigh* the Inclosure Commissioners for *England* and *Wales* did, on the Twelfth of *March* in the Year of our Lord One thousand eight hundred and forty-six, give Notice of their Intention to proceed with such Inclosure: And whereas the Award of the Valuer in the Matter of the said Inclosure was, on the Sixteenth Day of *November* One thousand eight hundred and forty-eight, confirmed by the said Commissioners, and a Part of the said Lands were sold by the said Valuer: And whereas Doubts have arisen whether the Land, the Subject Matter of such Inclosure, were a stinted Pasture, or Lands subject to Rights of Common which might be exercised at all Times of every Year, for Cattle levant and couchant upon other Land, and whether as such the said Inclosure should not have received the previous Authority of Parliament: Be it enacted, That the Award made in the Matter of the said Inclosure, and all Proceedings, Matters, and Things taken and done by the Valuer in the Matter of the said Inclosure, and by the said Commissioners, shall, as from the Confirmation of the said Award, be confirmed, and be as valid and have the same Force and Effect as if the said Inclosure had received the previous Authority of Parliament; and all Persons holding any of the said Lands under or by virtue of such Award, Proceedings, Matters, and Things, or any of them, shall have the same Title to such Lands as if the said Inclosure had received such previous Authority: Provided always, that nothing herein contained shall affect any Proceedings at Law which shall have been commenced before the Time of the passing of this Act, or any Costs in relation thereto.

Short Title.

III. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Instruments, it shall be sufficient to use the Expression "The Annual Inclosure Act, 1850."

The SCHEDULE to which this Act refers.

Inclosure.	County.	Date of Provisional Order.
Llanbedr y-cenin - -	Carnarvon - -	8th February 1849.
Caerhyn - - -	Carnarvon - -	8th February 1849.
Bewerley Moor and Hardcastle Moor.	York - - -	23d July 1849.
Sherwood Forest, Part of, in Mansfield.	Nottingham - -	23d July 1849.
Tilford - - - -	Surrey - - -	28th February 1849.
Weston Subedge - -	Gloucester - -	23d July 1849.
Carshalton and Wallington -	Surrey - - -	19th April 1849.
Kewstoke - - -	Somerset - -	10th May 1849.
Dalbury Lees Green -	Derby - - -	14th June 1849.
Dillicar Common - -	Westmorland - -	24th May 1849.
Caterham - - -	Surrey - -	23d July 1849.
Bolham Hill - - -	Devon - -	20th September 1849.
Churchstanton - -	Devon - -	16th November 1849.
Penn - - - -	Bucks - - -	17th October 1849.
Little Missenden - -	Bucks - -	24th January 1850.
Swinmore Common - -	Hereford - -	23d August 1849.
Storrington - - -	Sussex - - -	23d August 1849.
Nutbourne Common -	Sussex - -	23d August 1849.
Caldicot-cum-Newton -	Monmouth - -	18th December 1849.
South Wootton - -	Norfolk - -	26th December 1849.
Alnwick Moor - -	Northumberland -	18th January 1850.

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shall respectively be sued for, recovered, levied, paid, and applied in the same Manner as if this Act had not been passed.

Drawback of a Moiety of the Duty charged to be allowed on the Stocks of Bricks in the Possession of Makers at the passing of this Act.

II. And be it enacted, That, by way of Drawback or Remission of Duty on the Stocks of Bricks in the Possession of the Makers thereof, there shall be allowed and repaid or remitted to the Maker or Owner of all Bricks which at the Time of the passing of this Act are in the entered Field or other entered Premises where the same have been made and charged with Duty, and which are in a sound and perfect State, and have not been used for any Purpose, excepting for the casing of Clamps, a Moiety of the Duty which has been charged on such Bricks; and the Commissioners of Inland Revenue shall forthwith cause Accounts of all such Bricks to be taken by their Officers, under such Regulations as the said Commissioners may make in that Behalf, and shall allow and repay or remit a Moiety of the said Duties, according to such Accounts respectively.

Purchasers of Bricks under Contracts made before the 27th Day of March 1850 to be allowed by the Seller an Abatement from the Price thereof equivalent to the Duties from which the latter is relieved, and to allow the same to the Persons with whom they have contracted.

III. And whereas various Contracts have been made before the passing of this Act for the Sale and Purchase or requiring the Use of Bricks, and such Contracts have been made on the Assumption that the Duties of Excise on Bricks payable by Law at the Time of making such Contracts would continue: Be it enacted, That the Maker or Seller of or Person using any Bricks by or under any such Contract shall and he is hereby required, from and after the Twenty-seventh Day of *March* One thousand eight hundred and fifty, to make an Abatement from such Contract, equivalent to the Duty from which he will be relieved under or by virtue of this Act, in respect of all such Bricks which he shall send out and deliver or use under or in pursuance of any such Contract as aforesaid after the Twenty-seventh Day of *March* One thousand eight hundred and fifty, (that is to say,) for and in respect of all such Bricks, if any, which at the Period last aforesaid were in the Field, Yard, or Premises where the same were made and charged with Duty a Moiety of the said Duty charged thereon, and for and in respect of all such Bricks which shall be made at any Time after the said Twenty-seventh Day of *March* a Sum equal to the Duty of Excise which at the Time of making such Contract was payable on Bricks of the like Description.

Act may be amended, &c.

IV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

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prescribed in an Act passed in the Forty-eighth Year of the Reign of King *George* the Third, intituled *An Act for regulating the issuing and paying off of Exchequer Bills*, and in another Act passed in the Session of Parliament holden in the Fourth and Fifth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to regulate the Office of the Receipt of His Majesty's Exchequer at* Westminster, and in another Act passed in the Session of Parliament holden in the Fifth and Sixth Years of the Reign of Her present Majesty, intituled *An Act for further regulating the Preparation and Issue of Exchequer Bills.*

48 G. 3. c. 1.

4 & 5 W. 4. c. 15.

5 & 6 Vict. c. 66.

The Clauses, &c. in recited Acts extended to this Act.

II. And be it enacted, That all and every the Clauses, Provisoes, Powers, Privileges, Advantages, Penalties, Forfeitures, and Disabilities contained in the said Acts shall be applied and extended to the Exchequer Bills to be made out in pursuance of this Act, as fully and effectually to all Intents and Purposes as if the said several Clauses or Provisoes had been particularly repeated and re-enacted in the Body of this Act.

The Treasury to apply the Money raised.

III. And be it enacted, That it shall be lawful for the said Commissioners of Her Majesty's Treasury to issue and apply from Time to Time all such Sums of Money as shall be raised by Exchequer Bills to be made out in pursuance of this Act to such Services as shall then have been voted by the Commons of the United Kingdom of *Great Britain* and *Ireland* in this present Session of Parliament.

Bills, how to be charged and paid.

IV. And be it enacted, That the Principal Sum or Sums of Money to be contained in such Exchequer Bills shall be charged upon and shall be paid out of any Supplies to be granted in the next Session of Parliament.

Interest on Bills.

V. And be it enacted, That the Exchequer Bills to be made out in pursuance of this Act shall bear Date on the Days on which the same shall be respectively issued, and shall bear an Interest not exceeding the Rate of Three-pence Halfpenny *per Centum per Diem* in respect of the whole of the Monies respectively contained therein, payable out of any Aids or Supplies in the Bank of *England* standing to the Credit of the Exchequer.

Bills charged on Supplies to be current in Payment of Public Revenue after Twelve Calendar Months from their Dates.

VI. And be it enacted, That all the Exchequer Bills to be made out by virtue of this Act, or so many of them as shall from Time to Time remain undischarged and uncancelled, shall, after Twelve Calendar Months from their respective Dates, be taken and shall pass and be current to all the Receivers and Collectors in *Great Britain* of the Customs, Excise, or any Revenue, Supply, Aid, or Tax whatsoever already granted or payable, or which shall hereafter

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be granted or payable, to Her Majesty, Her Heirs and Successors, and also at the Bank of *England* to the Account of Her Majesty's Exchequer, from the said Receivers or Collectors, or from any other Person or Persons, Bodies Politic or Corporate whatsoever, making any Payment there to Her Majesty, Her Heirs and Successors, upon any Account whatever.

Bank of England may advance 9,200,000*l.* on the Credit of Bills, notwithstanding 5 & 6 W. & M. c. 20.

VII. And be it declared and enacted, That it shall be lawful for the Governor and Company of the Bank of *England* to advance or lend to Her Majesty, upon the Credit of the Exchequer Bills to be made out in pursuance of this Act, any Sum or Sums of Money not exceeding in the whole the Sum of Nine millions two hundred thousand Pounds; anything in an Act passed in the Fifth and Sixth Years of the Reign of King *William* and Queen *Mary*, intituled *An Act for granting to Their Majesties several Rates and Duties upon Tonnage of Ships and Vessels, and upon Beer, Ale, and other Liquors; and for securing certain Recompences and Advantages in the said Act mentioned to such Persons as shall voluntarily advance the Sum of One million five hundred thousand Pounds towards carrying on the War against* France, or in any subsequent Act, to the contrary thereof in anywise notwithstanding.

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" Unions, or Parishes and Unions, so united for the Management of " any Class of Infant Poor, or incidental to the Discharge of the " Duties of such District Board, shall be paid by such Unions in the " Proportion of the Averages last declared for every such Union, and " by such Parishes in the Proportion of the average Expenditure of " every such Parish for the like Period and Purposes as those to " which the declared Averages of such Unions shall relate; and the " said Commissioners shall from Time to Time, by Order under their " Hands and Seal, ascertain and declare the Proportion and Rates of " Contribution in the above respects of every such Parish and Union:" And whereas such Provision for the Contributions of the several Unions and Parishes in such Districts is inconvenient, and it is desirable that the same should be repealed, and other Provisions should be enacted for the Purpose aforesaid: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That after the passing of this Act so much of the said Act of the Eighth Year of Her Majesty as is herein-before recited, providing for the Contribution of the Unions and Parishes comprised in any such School District, shall be and the same is hereby repealed.

Repeal of 7 & 8 Vict. c. 101. s. 47. in part.

The Mode in which the Averages of Unions and Parishes combined in School Districts shall be ascertained and declared.

II. And be it enacted, That in respect of any District heretofore formed or hereafter to be formed under the Provisions of the Statutes aforesaid the Poor Law Board shall cause an Inquiry to be made as to the average annual Expense incurred by or on account of the Relief of the Poor in every Union and Parish forming an integral Part of such District during the Three Years ending on the Twenty-fifth Day of *March* next before the Date of the Formation of such District, such Expense to include the Cost of the Relief of the Poor belonging to the Parish, or, in the Case of a Union, the Cost of the Relief of the Poor belonging to the several Parishes thereof, and of those chargeable upon the common Fund thereof, and in each Case the Payment of the Salaries of all Officers engaged in the Administration of the Relief of the Poor, and other like Expenses of current and ordinary Nature; and the said Board shall by an Order declare the respective Averages so ascertained, and after the Issue of such Order the several Unions and Parishes comprised in any such District shall contribute to the several Charges set forth in the Clause herein-before cited from the said first-mentioned Statute according to the Proportion of the Averages declared in such Order until the same shall be altered by any subsequent Order of the said Board.

Provision for the Declaration of fresh Averages.

III. And be it enacted, That the said Poor Law Board, from Time to Time whenever it shall seem proper to them to do so, may cause a fresh

fresh Inquiry to be made in manner aforesaid, in respect of any such District, as to the Expense of the Unions and Parishes therein for the Three Years ending on the Twenty-fifth Day of *March* next preceding such Inquiry, and declare by their Order the Averages ascertained by such Inquiry, and thereupon the Contributions of the several Unions and Parishes in such District to the Charges aforesaid shall be calculated according to the Averages so last declared.

IV. And be it enacted, That when any Union or Parish shall be added to any previously formed District the said Board shall cause the average Expense of such Union or Parish corresponding with the Period for which the Averages of such District shall have been last ascertained and declared as aforesaid.

Provision for the Case of the Addition of a Parish or Union to an existing District.

V. And be it enacted, That in respect of any District heretofore formed all Charges and Expenses which shall not have been closed and audited at the passing of this Act, and to which the said Clause of the said first-recited Statute would have applied, shall be estimated and settled according to the Proportions of the Averages to be declared according to the Provisions of this Act.

Accounts in any such District not closed and audited, to be settled according to Provisions of this Act.

VI. And be it enacted, That the several Words used in this Act shall be construed in the Manner prescribed by the said recited Statute of the Eighth Year of the Reign of Her Majesty, and the Statutes explaining and extending it; and that every Provision of the said several Statutes not repealed shall extend to this Act, except where any such Provision would be inconsistent with anything herein contained.

Interpretation of Terms.

VII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

Act may be amended, &c.

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Indemnity.

25 C. 2. c. 2. of the Reign of His Majesty King *Charles* the Second, intituled *An Act for preventing the Dangers which may happen from Popish Recusants;* or according to another Act passed in the Thirtieth Year of the Reign of His Majesty King *Charles* the Second, intituled

30 C. 2. st. 2. *An Act for the more effectual preserving the King's Person and Government, by disabling Papists from sitting in either House of Parliament;* or according to another Act passed in the Eighth Year

8 G. 1. c. 6. of the Reign of His Majesty King *George* the First, intituled *An Act for granting the People called Quakers such Forms of Affirmation or Declaration as may remove the Difficulties which many of them lie under;* or according to another Act passed in the Ninth Year

9 G. 2. c. 26. of the Reign of His Majesty King *George* the Second, intituled *An Act for indemnifying Persons who have omitted to qualify themselves for Offices within the Time limited by Law, and for allowing further Time for that Purpose; and for amending so much of an Act passed in the Second Year of the Reign of His present Majesty as requires Persons to qualify themselves for Offices before the End of the next Term or Quarter Sessions; and also for enlarging the Time limited by Law for making and subscribing the Declaration against Transubstantiation; and for allowing a further Time for Enrolment of Deeds and Wills made by Papists; and for Relief of Protestant Purchasers, Devisees, and Lessees;* or according to another Act passed in the Eighteenth Year of the Reign of His Majesty King

18 G. 2. c. 20. *George* the Second, intituled *An Act to amend and render more effectual an Act passed in the Fifth Year of His present Majesty's Reign, intituled 'An Act for the further Qualification of Justices 'of the Peace;'* or according to another Act passed in the Sixth Year

6 G. 3. c. 53. of the Reign of His Majesty King *George* the Third, intituled *An Act for altering the Oath of Abjuration and the Assurance; and for amending so much of an Act passed in the Seventh Year of the Reign of Her late Majesty Queen* Anne, *intituled 'An Act for the Improve-'ment of the Union of the Two Kingdoms,' as after the Time therein limited requires the Delivery of certain Lists and Copies therein mentioned to Persons indicted of High Treason or Misprision of Treason;* or according to another Act passed in the Ninth Year of

9 G. 4. c. 17. the Reign of His Majesty King *George* the Fourth, intituled *An Act for repealing so much of several Acts as imposes the Necessity of receiving the Sacrament of the Lord's Supper as a Qualification for certain Offices and Employments;* or according to another Act passed

10 G. 4. c. 7. in the Tenth Year of the Reign of His said Majesty, intituled *An Act for the Relief of His Majesty's Roman Catholic Subjects,* so far only as the said Act relates to any Civil or Military Offices or Places of Trust, or Places of Profit or Corporate Offices; have, through Ignorance of the Law, Absence, or some unavoidable Accident, omitted to take and subscribe the Oaths and Assurance and make

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and subscribe the Declaration required by the said recited Acts or either of them, or otherwise to qualify themselves as aforesaid, within such Time and in such Manner as in and by the said Acts respectively is required, whereby they have incurred, or may be in danger of incurring, divers Penalties and Disabilities: For quieting the Minds of Her Majesty's Subjects, and for preventing any Inconvenience that might otherwise happen by means of such Omissions, be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all and every Person or Persons who, at or before the passing of this Act, hath or shall have omitted to take and subscribe the Oaths and Declarations, or otherwise to qualify him, her, or themselves, within such Time and in such Manner as in and by the said Acts or any of them is required, and who, after accepting any such Office, Place, or Employment, or undertaking any Profession or Thing, on account of which such Qualification ought to have been had and is required, before the passing of this Act, hath or have taken and subscribed the said Oaths or made the Declarations required by Law, or who on or before the Twenty-fifth Day of *March* One thousand eight hundred and fifty-one shall take and subscribe the Oaths, Declarations, and Assurance respectively, in such Cases wherein by the said several Acts or any or either of them the said Oaths, Declarations, and Assurance ought to have been taken and subscribed, in such Manner and Form, and at or in such Place or Places, as are appointed in and by the said several Acts or any or either of them, shall be and are hereby indemnified, freed, and discharged from and against all Penalties, Forfeitures, Incapacities, and Disabilities incurred or to be incurred for or by reason of any Neglect or Omission, previous to the passing of this Act, of taking or subscribing the said Oaths or Assurance, or making or subscribing the said Declarations respectively, or taking or subscribing the said Oath, according to the above-mentioned Acts or any of them, or any other Act or Acts; and such Person or Persons is and are and shall be fully and actually recapacitated and restored to the same State and Condition as he, she, or they were in before such Neglect or Omission, and shall be and be deemed and adjudged to have duly qualified him, her, or themselves according to the above-mentioned Acts and every of them; and that all Elections of, and Acts done or to be done by, any such Person or Persons, or by Authority derived from him, her, or them, are and shall be of the same Force and Validity as the same or any of them would have been if such Person or Persons respectively had taken the said Oaths or Assurance, and made and subscribed the said Declarations respectively, and

Persons who have omitted to qualify themselves as required by the recited Acts indemnified, and allowed further Time.

and taken and subscribed the said Oath, according to the Directions of the said Acts and every or any of them; and that the Qualification of such Person or Persons qualifying themselves in manner and within the Time appointed by this Act shall be to all Intents and Purposes as effectual as if such Person or Persons had respectively taken the said Oaths and Assurance, and made and subscribed the said Declarations respectively, and taken and subscribed the said Oath, within the Time and in the Manner appointed by the several Acts before mentioned.

Indemnity to those who have omitted to make and subscribe the Oath and Declaration required by the Irish Act of 2 Anne.

II. And whereas several Persons well affected to Her Majesty's Government, and to the United Church of *England* and *Ireland*, have, through Ignorance of the Law, neglected, or been, by Sickness or other unavoidable Causes, prevented from taking and subscribing the Declaration according to the Directions of an Act passed in the Parliament of *Ireland* in the Second Year of the Reign of Her Majesty Queen *Anne*, intituled *An Act to prevent the further Growth of Popery:* Be it therefore enacted, That all Persons who have incurred any Penalty or Incapacity in the said recited Act mentioned, by neglecting to qualify themselves according to the said Act, shall be and are hereby indemnified, freed, and discharged from all Incapacities, Disabilities, Penalties, and Forfeitures incurred by reason of such Omission or Neglect as aforesaid; and that no Act done by any of them, not yet avoided, shall be questioned or avoided by reason of such Omission or Neglect, but that all such Acts shall be and are hereby declared to be as good and effectual as if such Persons respectively had taken and subscribed the said Oath, and made and repeated and subscribed the said Declaration, at such Time and Place and Manner as in the said Act is mentioned, anything in the said Act to the contrary notwithstanding: Provided always, that such Person or Persons do and shall take and subscribe the said Oaths, and make, repeat, and subscribe the said Declaration, in such Manner and Form, and in such Place or Places respectively, as are directed and appointed by the said last-recited Act, on or before the Twenty-fifth Day of *March* One thousand eight hundred and fifty-one.

Not to indemnify Persons against whom final Judgment has been given.

III. Provided always, and be it enacted, That this Act, or anything herein contained, shall not extend or be construed to extend to indemnify any Person against whom final Judgment shall have been given in any Action of Debt, Bill, Plaint, or Information in any of Her Majesty's Courts of Record, for any Penalty incurred by having neglected to qualify himself within the Time limited by Law.

IV. Pro-

Indemnity.

IV. Provided also, and be it enacted, That nothing contained in this Act shall extend or be construed to extend to exempt any Justice of the Peace within *Great Britain* from the Penalties to which he is subject for acting as such without being possessed of the Qualification required by the Laws now in force.

Not to exempt Justices acting without legal Qualification.

V. And whereas the Appointment of divers Clerks of the Peace, Town Clerks, and other public Officers, and the Admission of divers Members and Officers of Cities, Corporations, and Borough Towns, in *Great Britain* and *Ireland*, or the Entries of such Admissions in the Court Books, Rolls, or Records of such Cities, Corporations, and Borough Towns, which by several Acts are directed and required to be stamped, may not have been provided, or the same not stamped, or may have been lost or mislaid: Be it enacted, That for the Relief of such Persons whose Appointments and Admissions or the Entries of whose Admissions as aforesaid may not have been provided, or not duly stamped, or where the same have been lost or mislaid, it shall and may be lawful to and for such Persons, in *Great Britain* or *Ireland*, on or before the Twenty-fifth Day of *March* One thousand eight hundred and fifty-one, to provide or cause to be provided Appointments and Admissions, or Entries of Admissions, as aforesaid, duly stamped, or in case where such Appointments, Admissions, or Entries of Admissions as aforesaid have been made or provided, but have not been duly stamped, to produce such Appointments, Admissions, or Entries of Admissions as aforesaid to the Commissioners appointed to inspect and manage the Revenues of the Stamp Duties, to be duly stamped, which such Commissioners are hereby authorized and empowered and required to duly stamp, on Payment of double the Amount of the Duties first payable or to have been paid on such Appointments, Admissions, or Entries as aforesaid, without any other Fine or Forfeiture thereon; and in order to denote the said Duties the said Commissioners are hereby authorized and empowered to use such Stamps as shall have been heretofore provided to denote any former Duties on stamped Vellum, Parchment, and Paper, or to cause new Stamps to be provided for that Purpose, and to do all other Things necessary for putting this Act in execution, in the like and in as full and ample Manner as they or the major Part of them are authorized to put in execution any former Law concerning stamped Vellum, Parchment, and Paper; and such Persons so providing Appointments, Admissions, or Entries of Admissions as aforesaid, duly stamped, or procuring the same to be duly stamped in manner aforesaid, are and shall be hereby confirmed and qualified to act as Clerk of the Peace, Town Clerk, and other public Officer, or Member or Members, Officer or Officers of such Cities Corporations, and Borough Towns respectively, to

Admissions to Corporations may be stamped after the Time allowed.

all Intents and Purposes, and shall and may hold and enjoy and execute such Office, or any other Office or Offices into which he or they hath or have been elected, notwithstanding his or their Omission, or the Omission of any of their Predecessors in such Cities, Corporations, or Borough Towns as aforesaid, and shall be indemnified and discharged of and from all Incapacities, Disabilities, Forfeitures, Penalties, and Damages by reason of any such Omission; and none of his or their Acts shall be questioned or avoided by reason of the same.

Not to restore Persons to any Office avoided by Judgment.

VI. Provided always, and be it enacted, That this Act or anything herein contained shall not extend or be construed to extend to restore or entitle any Person or Persons to any Office or Employment, Benefice, Matter, or Thing whatsoever, already actually avoided by Judgment of any of Her Majesty's Courts of Record, already legally filled up and enjoyed by any other Person, but that such Office or Employment, Benefice, Matter, or Thing, so avoided or legally filled up and enjoyed, shall be and remain in and to the Person or Persons who is or are now or shall at the passing of this Act be legally entitled to the same, as if this Act had never been passed.

General Issue.

VII. And be it enacted, That in case any Action, Suit, Bill of Indictment, or Information shall from and after the passing of this Act be brought, carried on, or prosecuted against any Person or Persons hereby meant or intended to be indemnified, recapacitated, or restored, for or on account of any Forfeiture, Penalty, Incapacity, or Disability whatsoever incurred or to be incurred by any such Neglect or Omission, such Person or Persons may plead the General Issue, and upon their Defence give this Act and the special Matter in Evidence upon any Trial to be had thereupon.

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house, or Schoolmaster's House, Garden, or Play-ground, or as a College, Academy, or Seminary, or as a Hall or Rooms for the Meetings or Transaction of the Business of such Congregation or Society or Body of Men, and wherever the Charter, Disposition, Conveyance, or Lease of such Heritable Property has been or may be taken in favour of the Minister, Kirk Session, Vestrymen, Deacons, Managers, or other Office-bearers or Office-bearer of such Congregation or Society or Body of Men, or any of them, or of Trustees appointed or to be from Time to Time appointed, or of any Party or Parties named in such Charter, Disposition, Conveyance, or Lease, in trust for behoof of the Congregation or Society or Body of Men, or of the Individuals composing the same, such Charter, Disposition, or Conveyance, when followed by Infeftment duly expede and recorded in Terms of Law, or such Lease, shall not only vest the Party or Parties named therein in the Lands, Houses, or other Heritable Property thereby feued, conveyed, or leased, but shall also, after the Death or Resignation or Removal from Office of such Party or Parties, or any of them, effectually vest their Successors in Office for the Time being, chosen and appointed in the Manner provided in such Charter, Disposition, Conveyance, or Lease, or if no Mode of Appointment be therein set forth or prescribed, then in Terms of the Rules or Regulations of such Congregation or Society of Body of Men, in such Lands, Houses, or Property, subject to such and the like Trusts, and with and under the same Powers and Provisions, as are contained in the Charter, Disposition, Conveyance, or Lease given and granted to the Parties, Disponees or Lessees therein, and that without any Transference, Assignment, Conveyance, or other Transmission or Renewal of the Investiture whatsoever, anything in such Charter, Disposition, Conveyance, or Lease contained to the contrary notwithstanding.

Providing for Payment in lieu of Casualties of Superiority.

II. And be it enacted, That where no Agreement shall have been made or shall be made with the Superior of such Heritable Property for a periodical or other Payment in lieu of the Casualty or Composition payable by Law or in Terms of the Investiture upon the Entry of Heirs and singular Successors, or where the Casualty and Composition shall not have been taxed, and where by Law and under the Terms of the Investiture Composition as on the Entry of a singular Successor would be, or but for the Provisions of this Act would have been, payable upon the Entry of any Party or Parties as Successors to the Party or Parties in whose Name the Titles shall have been expede or recorded as aforesaid, it shall be lawful for such Superior, at the Death of the existing Vassal in such Heritable Property, and at the Expiration of every Period of Twenty-five Years thereafter, so long as such Heritable Property shall belong to or be held

held for behoof of such Congregation or Society or Body of Men, to demand and take from such Congregation or Society or Body of Men, or other Party or Parties to whom such Heritable Property may have been or shall be feued or conveyed, or by whom the same may be held, for their Behoof, a Sum corresponding to the Casualty or Composition, if any such shall in the Circumstances be due, which would have been payable upon the Entry of a singular Successor therein, and such Payments shall be in full of all Casualties of Entry and Composition payable to the Superior for or furth of such Heritable Property while the same shall remain the Property or be held for behoof of such Congregation or Society or Body of Men, and the Superior shall have all such and the like Preference and Execution for the Recovery of such Sums as Superiors have for the Recovery of Casualties of Superiority according to Law: Provided always, that where such Casualty or Composition shall not have been taxed in the Investiture, and the Heritable Property so feued or conveyed shall not be situated in a Town or Village, or in the immediate Vicinity thereof, the Casualty or Composition payable therefor shall be held to be the annual Rent or annual Value of the Land so feued or conveyed, if let as an agricultural Subject at the Time when such Casualty or Composition shall become due and exigible in virtue of this Act.

Sums invested on Heritable Security for religious, educational, or charitable Purposes to vest in Disponees and their Successors.

III. And be it enacted, That wherever any Sum or Sums of Money shall have been or shall be invested on Heritable Security in *Scotland* for the Behoof of any such Congregation or Society or Body of Men as aforesaid, for the Purposes aforesaid, or for any religious, educational, or charitable Object under their Administration and Management, and the Bond and Disposition in Security or other Deed whereby such Security has been or may be constituted shall have been or shall be taken in favour of any Minister, Kirk Session, Vestrymen, Deacons, Managers, Office-bearers or Office-bearer, or of Trustees as aforesaid, and duly recorded or followed by Infeftment (where Infeftment shall be necessary) duly expede and recorded in Terms of Law, such Bond and Disposition in Security or other Deed and Infeftment (if any) shall not only effectually vest the Party or Parties therein named in such Bond and Disposition in Security or other Deed, but shall also, after the Death or Resignation or Removal from Office of such Party or Parties or any of them, effectually vest their Successors in Office for the Time being chosen and appointed in the Manner provided in such Bond and Disposition in Security or other Deed, or if no Mode of Appointment be therein set forth or prescribed, then in Terms of the Rules of such Congregation or Society or Body of Men in such Bond and Disposition in Security or other Deed, and the Sum or Sums of Money therein contained, subject to the same Trusts, and with

with and under the same Powers and Provisions, as are contained in the Bond or Disposition in Security or other Deed given and granted to the Parties Disponees therein, and that without any Transference, Assignment, Conveyance, or other Transmission, or Renewal of Investiture whatsoever, anything in such Bond or Disposition in Security or other Deed to the contrary notwithstanding.

Act may be amended, &c.

IV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

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VICTORIÆ REGINÆ.

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have been made by the Public Works Loan Commissioners to or on behalf of many Unions in *Ireland*, for the Purposes of building Workhouses and the other Purposes in relation to Workhouses in the first-recited Act mentioned, and other Loans may be made for the like Purposes under the Authority of the same Acts: And whereas under the Authority of an Act of the First Year of Her Majesty, intituled *An Act to amend the Acts for the Extension and Promotion of Public Works in* Ireland, and of an Act of the Ninth Year of Her Majesty, intituled *An Act for the further Amendment of the Acts for the Extension and Promotion of Public Works in* Ireland, certain Advances were made by the Commissioners of Public Works in *Ireland* for the Construction of Public Works, of which Advances under the Provisions of such Acts a Moiety was to be repaid, and was to be raised on the Counties at large, or the Baronies, Half Baronies, or other Divisions, in which such Works had been executed: And whereas under an Act of the Tenth Year of Her Majesty, intituled *An Act to facilitate the Employment of the Labouring Poor for a limited Period in the distressed Districts in* Ireland, considerable Sums of Money were advanced for the Execution of Public Works in *Ireland;* and under the Provisions of such Act, and of an Act of the Eleventh Year of Her Majesty, intituled *An Act to facilitate the Recovery of Public Monies advanced for the Relief of Distress in* Ireland *by the Employment of the Labouring Poor*, and of the said Act of the Twelfth Year of Her Majesty, Annuities are charged upon several Baronies, Half Baronies, Electoral Divisions, and other Districts in *Ireland* in respect of Moieties of the several Sums advanced for the Execution of Works within the same: And whereas under the Authority of an Act of the Tenth Year of Her Majesty, intituled *An Act for the temporary Relief of destitute Persons in* Ireland, Advances were made by way of Loan to several Unions and Electoral Divisions in *Ireland*, out of the Public Monies, by the Relief Commissioners, and considerable Sums in respect of such Advances remain unpaid: And whereas it is expedient to authorize an Advance of Public Money, to a limited Amount, to assist certain distressed Poor Law Unions and Electoral Divisions in *Ireland* in the Discharge of Debts incurred before the passing of this Act: And whereas it is expedient that the Debts due by certain Districts in *Ireland* in respect of the several Loans and Advances herein-before referred to should be consolidated, and that Provision should be made for the Repayment thereof by Annuities for Terms suited to the Circumstances of such Districts respectively: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority

7 W. 4. & 1 Vict. c. 21.

9 & 10 Vict. c. 1.

9 & 10 Vict. c. 107.

10 & 11 Vict. c. 87.

11 & 12 Vict. c. 51.

10 & 11 Vict. c. 7.

Authority of the same, That it shall be lawful for the Commissioners of Her Majesty's Treasury to cause to be issued from Time to Time, out of the growing Produce of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, any Sum or Sums of Money not exceeding in the whole Three hundred thousand Pounds, for Advances by way of Loan to the Guardians of the Poor of such of the Unions in *Ireland* as the said Commissioners of Her Majesty's Treasury shall think fit; and the Sums to be issued under the Authority of this Act shall be paid to the Commissioners for administering the Laws for the Relief of the Poor in *Ireland*, and shall be advanced by such last-mentioned Commissioners to the Guardians of such of the Unions aforesaid, and paid to such Persons, and subject to such Conditions in respect of the Application thereof for or towards the Discharge of all or any of the Debts or Liabilities of such Unions, or of any Electoral Division of such Unions, contracted before the passing of this Act, as the said Commissioners of Her Majesty's Treasury shall think fit; and all Sums to be advanced as aforesaid shall carry Interest at the Rate of Three Pounds *per Centum per Annum* from the respective Times of advancing the same, and, unless the same shall be repaid by way of Annuities as herein-after mentioned, shall be repaid, with Interest as aforesaid, by the Treasurers of the Unions on behalf of which the same shall have been advanced, out of any Monies which may be received by them in respect of Rates, at such Times and in such Manner as the said Commissioners of the Treasury shall direct.

Treasury empowered to issue 300,000*l.* towards the Discharge of Debts of distressed Unions in Ireland.

II. And be it enacted, That where the Commissioners of Her Majesty's Treasury think it expedient that the Debts and Liabilities of any of the several Unions and Electoral Divisions, Counties, Baronies, Half Baronies, Counties of Cities and Counties of Towns, and other Districts, in *Ireland*, in respect of the Loans and Advances of Public Money made under the Acts herein-before recited or any of them, and also in respect of any Loans for building Workhouses, and of any Advances under the Authority of this Act which may have been made to or in behalf of any such Unions before the Time at which such Account as herein-after mentioned in relation to such Unions respectively shall be taken, should be consolidated and repaid as herein mentioned, it shall be lawful for such Commissioners to inquire into and cause to be ascertained the whole Amount of such Debts and Liabilities upon an Account taken in each Case up to such Time as they may think fit.

Treasury to ascertain the Liabilities of the several Unions and other Districts in Ireland where they may think a Consolidation desirable.

III. And be it enacted, That it shall be lawful for the Commissioners of Her Majesty's Treasury, after such Inquiry as aforesaid, to adjust and fix the proportionate Amount which, if this Act had not

The Liabilities of the several Districts to be proportion-

ately charged on the Townlands comprised therein.

not been passed, would have been borne by each Townland or other Denomination or Place comprised in any such Union and Electoral Division, or in any such County, Barony, Half Barony, County of a City, County of a Town, or other District as aforesaid, in respect of all the Debts or Liabilities (inquired into and ascertained as aforesaid) as well of the Union and Electoral Division as of any such County, Barony, Half Barony, County of a City, County of a Town, or other District in which such Townland or other Denomination or Place is comprised, and to cause to be charged on such Townland or other Denomination or Place an Annuity which they shall deem equivalent to such proportionate Amount; and where it appears to the Commissioners of Her Majesty's Treasury, after such Inquiry as aforesaid, that all the Townlands or other Denominations or Places comprised in any Electoral Division are liable to contribute to the Discharge of the same Debts and Liabilities, they may, if they see fit, instead of causing to be charged a separate Annuity on each such Townland, Denomination, or Place, cause to be charged on such Electoral Division One Annuity which they shall deem equivalent to the proportionate Amount which should be borne by all such Townlands, Denominations, or Places, in respect of all such Debts and Liabilities; and every Annuity to be charged under this Act shall commence in such Year, and be payable for such Number of Years and on such Day in every Year during the Continuance thereof, as the said Commissioners of Her Majesty's Treasury shall think fit; and it shall be lawful for the Commissioners of Her Majesty's Treasury, if they so think fit, to direct that any Annuity for the Time being payable under this Act shall be converted into an Annuity payable on such yearly Days as aforesaid, but of a longer or shorter Duration, which shall appear to them to be of equal Value to the Portion outstanding of the original Annuity; provided that no such original Annuity, nor any such Annuity made payable after such Conversion as last aforesaid, be of longer Duration than Forty Years, computed from the Commencement of the original Annuity.

Treasury to transmit Statements of the Annuities to Poor Law Commissioners, who are to issue Orders to the Guardians of each Union.

IV. And be it enacted, That when the Commissioners of Her Majesty's Treasury have ascertained the Annuities which should be charged on all or any of the Electoral Divisions, Townlands, and other Denominations and Places, if any, in any Union in *Ireland*, they shall transmit to the Commissioners for administering the Laws for the Relief of the Poor in *Ireland* a Statement showing all the Annuities which should be so charged, and the Duration and Day of Payment thereof respectively; and the said last-mentioned Commissioners shall forthwith on the Receipt of such Statement issue an Order under their Seal, addressed to the Guardians of such Union, setting forth the Amount, Duration, and Day of Payment of the Annuity to be charged on

on each Electoral Division, Townland, and other Denomination and Place, if any, in such Union, and directing the Guardians of such Union to proceed in relation to every such Annuity according to the Provisions of this Act, and every such Annuity shall become so charged according to the Tenor of such Order; and such Guardians shall, in the first Rate to be made on the Electoral Division comprising the Townland or other Denomination or Place charged with any separate Annuity, after the yearly Day of Payment of such Annuity in every Year so long as such Annuity shall remain payable, assess and raise the yearly Sum payable in respect of the Annuity which under such Order as aforesaid is to be charged on such Townland or other Denomination or Place by a Rate on the rateable Hereditaments comprised in such Townland or other Denomination or Place, in addition to the Rate made thereon for the general Purposes of the Electoral Division; and such Addition to the Rate shall be deemed to be Part of the Rates made upon and belonging to the Electoral Division, and shall be collected accordingly, and lodged with the Treasurer of the Union, to the Credit of such Electoral Division; and where One Annuity is charged on an Electoral Division, such Guardians shall provide for Payment thereof by Additions to the Rates from Time to Time made upon such Electoral Division.

Treasurer of each Union to reserve a Third Part of the Lodgments for Rates on account of the Division for Payment of Annuities.

V. And be it enacted, That the said Commissioners for administering the Laws for the Relief of the Poor in *Ireland* shall, upon the Receipt of the Statement transmitted to them by the Commissioners of Her Majesty's Treasury, transmit to the Treasurer of every such Union an Order under their Seal setting forth the Amount payable on account of the Annuity to be charged on each Electoral Division, if any, of such Union, or, as the Case may require, the aggregate Amount payable on account of the Annuities to be charged on all the Townlands and other Denominations and Places, if any, situate in each Electoral Division of such Union, and the yearly Day of Payment of such respective Annuities; and in case the Board of Guardians shall not sooner pay the same, the said Treasurer shall, from all Lodgments made with him from Time to Time of the first or any subsequent Rate or Rates on account of each such Electoral Division in the Union, after every yearly Day of Payment of such Annuities, reserve One equal Third Part thereof, and place the same to the Credit of the Electoral Division in an Account to be entitled the "Loans Repayment Account," until the aggregate Amount which shall become payable from Time to Time on account of the Annuity charged on such Electoral Division, or, as the Case may require, the Annuities charged on all the Townlands and other Denominations and Places, if any, in such Electoral Division, and all Arrears, if any, in respect of any previous Year or Years, shall have been

received, and placed to such Account as aforesaid; and the Treasurer of the Union shall pay over from Time to Time all Sums so reserved as aforesaid into the Bank of *Ireland*, to be there placed to a separate Account, in the Name of the Paymaster of Civil Services in *Ireland*, to be entitled the "Loans Repayment Account;" and all Sums from Time to Time paid into such Account as last aforesaid shall be carried to and form Part of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*.

Rate in Aid under 12 & 13 Vict. c. 24. to be paid before Annuities under this Act.

VI. Provided always, and be it enacted, That where any Sum leviable under the Provisions of an Act of the last Session of Parliament, intituled *An Act to make Provision, until the Thirty-first Day of* December *One thousand eight hundred and fifty, for a General Rate in Aid of certain distressed Unions and Electoral Divisions in* Ireland, on any such Electoral Division as aforesaid, remains unpaid, the said One Third Part of such Lodgments as aforesaid with the Treasurer of the Union in respect of Rates on account of such Electoral Division shall not be applied to any Payment in respect of Annuities under this Act until the Sum leviable under the said Act of the last Session of Parliament is paid, but after Payment of the Sum so leviable the One equal Third Part of all subsequent Lodgments in respect of such Rates as aforesaid shall be carried to the said Loans Repayment Account, and applied according to the Provisions of this Act, until the aggregate Amount of all the Sums which may have become due in respect of the said Annuities shall be discharged.

Treasury may make Additions to Annuities in respect of Advances under this Act and future Workhouse Loans.

VII. And be it enacted, That in case, after any Annuity shall have been charged under the Provisions of this Act on any Electoral Division, Townland, or other Denomination or Place, any Loan shall be made for building Workhouses, or other Purposes in relation to Workhouses, under the Acts herein-before mentioned, or any Advance shall be made under the Authority of this Act to the Union in which such Electoral Division, Townland, or other Denomination or Place shall be comprised, it shall be lawful for the Commissioners of Her Majesty's Treasury to make an Addition to such Annuity proportioned to the Share of such Loan or Advance which should be borne by such Electoral Division, Townland, or other Denomination or Place; and when such Commissioners shall make such Addition as aforesaid, and when they shall think fit to convert any Annuity or Annuities for the Time being charged under this Act into an Annuity or Annuities of longer or shorter Duration, such Commissioners shall transmit a Statement of the Annuity or Annuities increased by such Addition as aforesaid, or which should be charged under such Conversion upon all or any of the Electoral Divisions, Townlands, or other Denominations

Denominations or Places in any Union in *Ireland*, to the said Commissioners for administering the Laws for the Relief of the Poor in *Ireland*, and the last-mentioned Commissioners shall issue like Orders under their Seal to the Guardians of the Union and to the Treasurer of the Union respectively as herein-before directed in respect of the Annuities originally charged under this Act, and all the Provisions of this Act in relation to the Annuities originally charged under this Act, and the Rates to be made in respect thereof, and the Payment of such Annuities, shall apply to the Annuities increased by such Addition as aforesaid, or to be charged upon such Conversion as aforesaid.

Treasury may suspend the Recovery of Workhouse Loans and Monies levied by Grand Jury Presentments.

VIII. And be it enacted, That where the Commissioners of Her Majesty's Treasury think fit that any Inquiry should be made under this Act in relation to the Debts and Liabilities of any Union, Electoral Division, County, Barony, Half Barony, County of a City, or County of a Town, or other District in *Ireland*, for the Purposes of this Act, it shall be lawful for the said Commissioners to authorize and direct the Public Works Loan Commissioners to forbear to require or enforce Payment of any Instalment which may become payable from any such Union in respect of any Loan made by such Public Works Loan Commissioners, as herein-before mentioned; and where, in respect of any such Debts or Liabilities, Money is under the Acts herein-before recited or any of them to be raised in such County, Barony, Half Barony, County of a City, County of a Town, or other District, by Grand Jury Presentment, or under the Warrant or Warrants of the Treasurer of the County, County of a City, or County of a Town, or the Finance Committee, it shall be lawful for the Commissioners of Her Majesty's Treasury, by Order directed to the Treasurer of the County, County of a City, or County of a Town in which or in any District within which such Money is to be raised, or, in the Case of the County of *Dublin*, by Order addressed to the Finance Committee of such County, to authorize such Grand Jury and Treasurer or Finance Committee, as the Case may be, to suspend the raising and levying of any Monies which should be raised and levied in respect of such Debts and Liabilities as aforesaid by Grand Jury Presentment at, or by Warrant of such Treasurer or Finance Committee after, the Spring Assizes or Presenting Term of the Year One thousand eight hundred and fifty, or any subsequent Assizes or Presenting Term; and where any such Order shall be so directed by the said Commissioners of Her Majesty's Treasury to such Treasurer or Finance Committee of any County, County of a City, or County of a Town, no Grand Jury Presentment shall, after the Receipt of such Order, be made in relation to the Monies in such Order mentioned, nor shall such Treasurer

Treasurer or Finance Committee insert in his or their Warrant or Warrants any such Monies, or issue any separate Warrant or Warrants for the same, whether any Presentment shall or shall not have been made in relation thereto; and in case before the passing of this Act, or before the Receipt of such Order of the Commissioners of Her Majesty's Treasury, any separate Warrant of such Treasurer or Finance Committee for any such Monies, or any Warrant of such Treasurer or Finance Committee including such Monies, shall have been issued after the Spring Assizes or Presenting Term of the Year One thousand eight hundred and fifty, such Treasurer or Finance Committee shall issue to the respective High Constables and Collectors of Grand Jury Cess whom it may concern Orders, as the Case may require, revoking such separate Warrant, or directing such High Constables or Collectors respectively to abate and abstain from collecting such Part of the Sum for which any Warrant may have been so issued as may have been inserted therein in respect of the Monies mentioned in the said Order of the Commissioners of Her Majesty's Treasury, specifying, as to the respective Townlands and Districts, the respective Amounts of the Abatement to be made, and such High Constables and Collectors shall proceed in accordance with such Orders: Provided always, that all Instalments of any Workhouse Loan, and all Monies of which the Recovery, levying, and raising respectively shall be suspended as aforesaid, and all Arrears (if any) in respect of the same Debts and Liabilities, shall be included in the Account to be taken as aforesaid of the Debts and Liabilities of the County, County of a City, County of a Town, Barony, Half Barony, Union, Electoral Division, or other District in which the same would have been levied and raised if this Act had not been passed.

Act may be amended, &c.

IX. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

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VICTORIÆ REGINÆ.

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of the Governor of Antigua, on due Provision being made for the Establishment and Maintenance of such Courts.

firmed by Her Majesty with the Advice of Her Privy Council, due Provision has been made for the Establishment and Maintenance of such Court of Appeal as herein-after mentioned, and for defining the Jurisdiction of such Court in relation to the Colony or Colonies for which such Act or Acts may be passed, it shall be lawful for Her Majesty, by any Order to be by Her made with the Advice of Her Privy Council, to erect and establish for and in relation to the Colony or Colonies for which such Act or Acts may be passed a Court of Appeal, to consist of such Judge or Judges and to have such ministerial or other Officers thereof as by such Act or Acts may be provided; and such Court shall hold its Sittings in such Place or Places within the said Colonies or any of them, and at such Times, and shall have such Jurisdiction for the hearing and determining of such Appeals from Judgments, Decrees, Orders, and Rules, and other Determinations of all or any of the Courts of such Colony or Colonies, as by such Act or Acts may be provided.

Her Majesty may establish a Court of Appeal for all or any of the Islands comprised in the Commission of the Governor of Barbadoes.

II. And be it enacted, That in case it appear to Her Majesty that by any Act or Acts to be passed by the Legislatures of the Colonies now comprised in the Commission of the Governor of *Barbadoes*, or any of such Legislatures, and confirmed by Her Majesty with the Advice of Her Privy Council, due Provision has been made for the Establishment and Maintenance of such Court of Appeal as herein-after mentioned, and for defining the Jurisdiction of such Court in relation to the Colony or Colonies for which such Act or Acts may be passed, it shall be lawful for Her Majesty, by any Order to be by Her made with the Advice of Her Privy Council, to erect and establish for and in relation to the Colony or Colonies for which such Act or Acts may be passed a Court of Appeal, to consist of such Judge or Judges and to have such ministerial or other Officers thereof as by such Act or Acts may be provided; and such Court shall hold its Sittings in such Place or Places within the said Colonies or any of them, and at such Times, and shall have such Jurisdiction for the hearing and determining of such Appeals from Judgments, Decrees, Orders, and Rules, and other Determinations of all or any of the Courts of such Colony or Colonies, as by such Act or Acts may be provided.

Jurisdiction of Court may be extended over the Islands not originally subject to it.

III. And be it enacted, That in case, by reason of due Provision for the Purposes herein-before mentioned not having been made by such Acts as aforesaid in relation to all the Colonies now comprised in the Commission of the Governor of *Antigua*, or in relation to all the Colonies now comprised in the Commission of the Governor of *Barbadoes*, a Court of Appeal shall have been established by such Order as aforesaid for some only of the Colonies comprised in either of the said

said Governments, and due Provision shall be afterwards made by Act or Acts to be passed by the Legislature or Legislatures of any other or others of the said Colonies now comprised in the same Commission, and confirmed by Her Majesty as aforesaid, for giving to such Court Jurisdiction in relation to such Colony or Colonies or any of them, and for defining such Jurisdiction, and for contributing to the Maintenance of such Court, it shall be lawful for Her Majesty, by Order made with such Advice as aforesaid, to extend the Jurisdiction of such Court in relation to the Colony or Colonies in which such Act or Acts may be passed accordingly.

Jurisdiction may be exercised under Acts of Colonial Legislature by the Courts when sitting beyond the Limits of a Colony.

IV. And be it enacted, That the Jurisdiction and Authority expressed to be given to any Court of Appeal to be established under this Act in relation to any of the said Colonies by any Act or Acts passed by the Legislature of such Colony, and confirmed by Her Majesty as aforesaid, and all Jurisdiction and Authorities given to such Court by any such Order in Council as aforesaid in relation to such Colony, in accordance with any such Act or Acts as aforesaid, may, notwithstanding the Establishment of such Court, or the holding of the Sittings thereof, beyond the local Limits of such respective Colony, be exercised as fully and effectually, and the Provisions of such Acts and Orders in Council in relation thereto shall have the same Force and Effect, as if the same had been given and enacted by Parliament.

Jurisdiction may be varied by Acts of Colonial Legislature.

V. Provided always, and be it enacted, That it shall be lawful for the respective Legislatures of the several Colonies in relation to which any Court of Appeal established under this Act may have Jurisdiction, from Time to Time, by any Act or Acts confirmed by Her Majesty as aforesaid, to extend, restrict, or vary, in relation to such respective Colony and the Courts thereof, the Jurisdiction of such Court of Appeal.

Appeal to Her Majesty in Council.

VI. And be it enacted, That it shall and may be lawful for Her Majesty, by any such Order or Orders of Her Majesty in Council as aforesaid, or by any other Order or Orders in Council to be made in that Behalf, to allow any Person or Persons feeling aggrieved by any Judgment, Decree, Order, or Sentence of the said Courts of Appeal respectively to appeal therefrom to Her Majesty in Council, in such Manner, within such Time, and under and subject to such Rules, Regulations, and Limitations as Her Majesty by such Order or Orders in Council respectively shall appoint and prescribe.

6 & 7 W. 4. c. 17. not to be affected.

VII. And be it enacted, That nothing in this Act shall be construed to interfere with or prevent the Operation of an Act passed in

in the Sixth Year of King *William* the Fourth, intituled *An Act to make Provision for the better Administration of Justice in certain of His Majesty's* West India *Colonies.*

Act may be amended, &c.

VIII. And be it enacted, That this Act may be amended or repealed in this present Session of Parliament.

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VICTORIÆ REGINÆ.

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Alterations in Pleadings.

Mode of entering and transcribing Pleadings, Judgments, and other Proceedings in Actions at Law, and in the Time and Manner of objecting to Errors in Pleadings and other Proceedings, and in the Mode of verifying Pleas and obtaining final Judgment without Trial in certain Cases, and such Regulations as to the Payment of Costs, and otherwise for carrying into effect the said Alterations, as to them may seem expedient; and all such Rules, Orders, or Regulations shall be laid before both Houses of Parliament, if Parliament be then sitting, immediately upon the making of the same, or if Parliament be not sitting, then within Five Days after the next Meeting thereof; and no such Rule, Order, or Regulation shall have Effect until Three Months after the same shall have been so laid before both Houses of Parliament; and any Rule, Order, or Regulation so made shall, from and after such Time aforesaid, be binding and obligatory on the said Courts and all other Courts of Common Law, and on all Courts of Error into which the Judgments of the said Courts or any of them shall be carried by any Writ of Error, and be of the like Force and Effect as if the Provisions contained therein had been expressly enacted by Parliament: Provided always, that it shall be lawful for the Queen's most Excellent Majesty, by any Proclamation inserted in the *London Gazette*, or for either of the Houses of Parliament by any Resolution passed at any Time within Three Months next after such Rules, Orders, and Regulations shall have been laid before Parliament, to suspend the whole or any Part of such Rules, Orders, or Regulations, and in such Case the whole, or such Part thereof as shall be so suspended, shall not be binding and obligatory on the said Courts, or on any other Court of Common Law or Court of Error.

Such Rules or Orders not to be valid until Three Months after being laid before Parliament;

and may previously be declared suspended by Proclamation or Resolution.

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Intent to confirm, Acceptance of Rent to be deemed a Confirmation.

mentioned, any Receipt, Memorandum, or Note in Writing, confirming such Lease, is signed by the Person accepting such Rent, or some other Person by him thereunto lawfully authorized, such Acceptance shall, as against the Person so accepting such Rent, be deemed a Confirmation of such Lease.

Where Reversioner is able and willing to confirm, Lessee to accept Confirmation.

III. And be it enacted, That where during the Continuance of the Possession taken under any such invalid Lease, as in the said first-recited Act mentioned, the Person for the Time being entitled (subject to such Possession as aforesaid) to the Hereditaments comprised in such Lease, or to the Possession or the Receipt of the Rents and Profits thereof, is able to confirm such Lease without Variation, the Lessee, his Heirs, Executors, or Administrators, (as the Case may require,) or any Person who would have been bound by the Lease if the same had been valid, shall, upon the Request of the Person so able to confirm the same, be bound to accept a Confirmation accordingly; and such Confirmation may be by Memorandum or Note in Writing, signed by the Persons confirming and accepting respectively, or by some other Persons by them respectively thereunto lawfully authorized; and after Confirmation and Acceptance of Confirmation such Lease shall be valid, and shall be deemed to have had from the granting thereof the same Effect as if the same had been originally valid.

Act may be amended, &c.

IV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

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and which shall be called a Writ of Summons, and shall bear Date of the Day on which it shall be issued, and be tested by the Common Seal of the said Superior Courts, to be provided as herein-after mentioned, and to be thereunto set by the Clerk of the Writs, Appearances, and Seal, who shall not be required to sign such Writ, but shall enter the Particulars thereof in the Book to be kept for that Purpose, at the Time of sealing thereof.

Residence and Description of Parties to be mentioned in Writ.

Writ may be served anywhere, and remain in force Four Months.

II. And be it enacted, That in every such Writ and Copy thereof the Place of Residence of the Party Plaintiff and the Place of Residence, or supposed Residence, or last known Residence of the Party Defendant, and the usual Designation or Description of such Parties respectively, or such Designation or Description as the Plaintiff or his Attorney may be able to give, shall be mentioned; and every such Writ may be sued out at any Time notwithstanding any Privilege, and may be served personally in any Place in which the Defendant or Defendants may be found, within the Jurisdiction of the Court, and the Person serving the same shall and is hereby required to endorse on the Writ the Place and the Day of the Month and Year of the Service thereof; and every such Writ shall remain in force for Four Calendar Months from the Day of the Date thereof, including the Day of such Date, and no longer.

No Writ of Summons to be invalid on account of verbal or technical Error or Omission.

III. And be it enacted, That no Writ of Summons issued under the Authority of this Act shall be treated or considered as invalid on account of any verbal or technical Error or Omission in the same; and it shall be lawful for the said Superior Courts of Law respectively, or any Judge or Baron thereof, to decide and determine what is a verbal or technical Error or Omission in any such Writ, and to amend or authorize the Amendment thereof; but all Errors or Omissions which have not a manifest Tendency to mislead the opposite Party shall in all Cases be deemed merely verbal or technical.

Act not to affect 3 & 4 Vict. c. 105.

IV. Provided always, and be it enacted, That nothing in this Act shall interfere with or affect such of the Provisions of an Act of the Fourth Year of Her Majesty, intituled *An Act for abolishing Arrest on Mesne Process in Civil Actions, except in certain Cases, for extending the Remedies of Creditors against the Property of Debtors, and for the further Amendment of the Law and the better Administration of Justice, in* Ireland, as relate to Arrest on Mesne Process in certain Cases.

Mode of Appearance.

V. And be it enacted, That the Mode of Appearance to every such Writ or under the Authority of this Act shall be by delivering to the proper Officer, at the Writ and Appearance Office herein-after mentioned

mentioned at the Four Courts in *Dublin*, a Requisition or Docket according to the Form in the said Schedule marked No. 2., such Requisition or Docket to be dated on the Day of the Delivery thereof, and to be entered by the Officer in the Appearance Book, and filed and kept by him.

Days for appearing to run in Vacation as well as in Term.

Provision as to Holidays.

VI. And be it enacted, That the Days for appearing to all such Writs of Summons shall run in all Cases as well in Vacation as in Term Time; and if the last of the Eight Days after the Service of any such Writ of Summons, inclusive of the Day of Service, shall in any Case happen to fall on any of the Days hereby appointed to be observed and kept as Holidays, in such Case the following Day, or, when there shall be consecutive Holidays, the Day following the last of such Holidays, shall be considered as the last of such Eight Days; and if any such Writ shall be served on any Day between the First Day of *August* and the Twentieth Day of *October* in any Year, an Appearance may be entered by the Defendant, or by the Plaintiff for the Defendant, in the usual Way, but no Declaration or Pleading after Declaration shall be filed or Rule entered thereon between the said First Day of *August* and Twentieth Day of *October*.

In default of Appearance, on personal Service being proved, Plaintiff may enter Appearance.

VII. And be it enacted, That if any Defendant in any such Writ, being personally served therewith, shall not appear in due Time after Service thereof according to the Exigency thereof, in such Case it shall and may be lawful for the Plaintiff or Plaintiffs, upon Affidavit being duly made before the proper Officer, and filed in the Writ and Appearance Office, of the personal Service of such Writ at the Place and on the Day endorsed thereon, to enter an Appearance for such Defendant within such Time as may be directed and limited by any General Order of the Judges to be made as herein-after provided, and to proceed thereon as if such Defendant had entered his or her Appearance, any Law or Usage to the contrary notwithstanding.

Mode of Service in Cases against Corporations, &c.

VIII. And be it enacted, That every such Writ of Summons issued against a Corporation aggregate may be served personally upon the Mayor or other head Officer, or on the Town Clerk, Clerk, Treasurer, or Secretary of such Corporation; and every such Writ issued against the Inhabitants of a Barony, Half Barony, or other like District may be served personally on the acting High Constable thereof, or any One of the acting High Constables thereof; and every such Writ issued against the Inhabitants of any County or any City or Town, or the Inhabitants of any Franchise, Liberty, City, Town, or Place, not being Part of a Barony or other like District, may be served personally on some Peace Officer or other known and responsible

responsible Officer thereof; and every such Writ issued against any other incorporated Body having a known and responsible Officer or Agent may be served personally on such Officer or Agent; and if any such Defendants shall not appear according to the Exigency of such Writ in due Time after such Service thereof as herein authorized, in such Case, upon Affidavit, made as herein-before provided, of such personal Service of such Writ, and of the Publication of the Notice herein-after provided, it shall and may be lawful for the Plaintiff to enter an Appearance for such Defendants, and to proceed thereon as if such Defendants had entered their Appearance, any Law or Usage to the contrary notwithstanding: Provided always, that in all such Cases a sufficient Notice of the issuing of the Writ shall be given in the *Dublin Gazette*, and in One of the local Newspapers of the County, City, or District in which the Defendant or Defendants, or the Officer or Agent to be served, shall reside; the Days for Appearance to run in such Cases from the Day of the Publication of such Notice in Gazette or Newspaper, whichever shall be the latest.

Courts may direct Substitution of Service.

IX. And be it enacted, That in case it shall be made appear by Affidavit to the Satisfaction of the Court in which the Appearance to the Process should be made, or, in Vacation of any Judge of either of the said Courts, that any Defendant has not been personally served with any Writ of Summons, and has not according to the Exigency thereof appeared to the Action, and that due and proper Means were used to serve such Writ, or that such Defendant resides out of the Jurisdiction of the Court and can be properly served through or upon any Agent or Representative or any Manager of the Real or Personal Estate of such Defendant within such Jurisdiction, or has removed to avoid Service, or on any other good and sufficient Grounds, it shall be lawful for such Court or Judge to authorize such Substitution of Service through the Post Office, or in such Manner, and with such Extension of Time for Service and Appearance, as to them or him shall seem fit; and upon due Proof of such substituted Service by Affidavit it shall and may be lawful for the Plaintiff, in default of Appearance by such Defendant in due Time, to enter an Appearance for such Defendant, and to proceed thereon as if such Defendant had entered his, her, or their Appearance, any Usage or Law to the contrary notwithstanding.

This Act shall extend to Actions of Replevin and Ejectment.

X. And be it enacted, That from and after the First Day of *January* One thousand eight hundred and fifty-one this Act shall extend to and include all Actions of Replevin and Ejectment in the Superior Courts of Common Law, and that the Commencement of all such Actions shall be by such Writ of Summons as herein-before set forth, and

and that all the Powers, Provisions, Regulations, and Directions herein contained with reference to Service, Substitution of Service, the Mode of Appearance, and Means of compelling Appearance, shall be and be deemed and construed as applicable to such Actions of Replevin and Ejectment, any Law or Usage to the contrary notwithstanding, subject however to the further Provisions herein-after contained.

Action of Replevin to be commenced by Writ of Summons.

XI. And be it enacted, That from and after the said First Day of *January* One thousand eight hundred and fifty-one, where any Party whose Goods or Chattels have been distrained shall dispute the Validity of such Distress, and shall be desirous of proceeding by Replevin in any of the said Superior Courts, such Party shall commence any Action for the Recovery of the Goods or Chattels so distrained by a Writ of Summons, such as herein-before provided, which Writ of Summons shall, in addition to any Particulars herein-before required, state the Particulars of the Property distrained, and the Place where such Distress shall have been made, and which Writ shall and may be served by delivering a Copy or Copies thereof to the Defendant or Defendants, or to any Agent or other Person acting for him or them in making such Distress, or in keeping the Goods and Chattels so distrained; and the said Superior Courts of Common Law, and each of them, are and is hereby authorized and empowered and declared to have Authority, Power, and competent Jurisdiction to entertain and determine such Suits.

Particulars to be stated in Writ.

Service of Writ.

Plaintiff in such Action may sue out of the same Court a Writ of Replevin.

Form of Writ to be settled by Judges.

Sheriff, upon Security being given, to execute and return Writ within Eight Days.

XII. And be it enacted, That when any such Action shall have been so commenced, it shall be lawful for the Plaintiff therein to sue out of the Court in which such Action shall be instituted a Writ, to be called a Writ of Replevin, directed to the Sheriff of the County in which such Goods and Chattels shall be under Distress, requiring him to replevy the said Goods and Chattels; and the said Superior Courts of Common Law, and each of them, are and is hereby authorized to issue such Writ of Replevin, which shall be in such Form as the Judges shall order and direct, by a General Order to be made as herein-after required for the Regulation of the Practice of the said Courts, and shall be instead of and have the same Force and Effect as any Writs for such Purpose heretofore in use; and the said Sheriff shall, and he is hereby required, upon good Security (by the Bond of the Plaintiff and Two responsible Persons as Sureties conditioned as usual in such Cases) being given to him in double the Amount of the Value of the Property distrained, to execute such Writ, and to return the said Writ, with a correct and proper Statement endorsed thereon of the Manner in which the same shall have been executed,

or

or the Cause why the same has not been executed, to the Court out of which the same shall have issued, within Eight Days, exclusive of any Days hereby appointed to be observed and kept as Holidays, next after such Writ shall have been delivered to him: Provided always, that the Value of the Property so distrained shall be ascertained by the said Sheriff in like Manner as the Value of Goods distrained is now ascertained by Law by the Sheriff in taking Security in Replevins; and that the said Bonds shall be assignable by the Sheriff under like Circumstances and in like Manner, and shall be available to the Assignee thereof, as by Law now authorized and directed with reference to Bail Bonds in Replevin, subject however to such Regulations as the Judges shall as aforesaid order and direct.

Value of Property to be ascertained as heretofore;

and Bail Bond to be assignable.

Provision for Removal of Replevin Suits from Inferior to Superior Courts.

XIII. And be it enacted, That where Proceedings in Replevin shall have been instituted in any Court of inferior Jurisdiction, it shall be lawful for either Party to remove the same into one of the said Superior Courts of Common Law as heretofore: Provided always, that the Writs for the Removal of any such Proceedings shall issue out of the Consolidated Writ Office of the said Superior Courts of Common Law instead of the Writ Office of the Court of Chancery; and the said Superior Courts of Common Law and each of them are and is hereby authorized and empowered and declared to have Authority, Power, and competent Jurisdiction to issue Writs for such Purpose, and to entertain and determine the Suits so removed, and to enforce Obedience to all Writs by this Act authorized, as fully as in the Case of any other Writs now issued by the said Courts.

Writs to be in such Form as Judges shall direct.

XIV. And be it enacted, That the Writs for such Removal of Proceedings in Replevin shall be according to such Form as the Judges of the said Superior Courts of Common Law shall, by any General Order to be made as herein-after provided, direct, and shall be instead of and have the same Force and Effect as any Writs for such Purpose heretofore in use, and shall, by the Clerk of the Writs, at the Time of sealing thereof, be assigned, entered, and issued in Rotation for the said Courts, that is to say, the First for the Queen's Bench, the Second for the Common Pleas, and the Third for the Exchequer, and so on in continuous Rotation for the several Courts, so as to produce and keep up an equal Distribution of such Writs; and all subsequent Proceedings in any Suit so removed shall be had and taken in the Court to which the said Writ shall be in the Course of Rotation allotted, and shall be the Business of the said Court and the Offices thereof.

XV. And

XV. And be it enacted, That from and after the First Day of *January* One thousand eight hundred and fifty-one, where any Party shall claim Possession of any Lands, Tenements, or Hereditaments, and shall be desirous of proceeding by Ejectment for the Recovery of the same in any of the said Superior Courts, such Party shall commence any Action for such Purpose by a Writ of Summons, such as herein-before provided, which Writ of Summons shall be directed to the immediate Tenant, or any One Tenant in possession, as Defendant, with the Addition of the Words "and all Persons concerned," and shall, in addition to any Particulars herein-before required, contain the Description of the Property sought to be recovered, and the County, Barony, or Parish in which the same is situated, and which Writ shall and may be served in like Manner and upon such Persons as now required for the Service of Ejectments, or as the Judges shall by any General Order made as aforesaid direct.

Action of Ejectment shall be commenced by Writ of Summons.

Particulars to be stated in Writ.

Service of Writ.

XVI. And be it enacted, That after Appearance in any Action of Replevin and Ejectment the Proceedings shall be, as nearly as may be, the same as in any Personal Action; and the Judges are hereby empowered and required, by any General Order to be made as herein provided, to order and direct what shall be the Form and Substance of any Declaration in Ejectment, and to dispense with and discontinue the Use of the Declaration now used in such Actions, and to dispense with and discontinue the Use of feigned Names and other Fictions in the Declaration, and to make such other Regulations with respect to Proceedings in Ejectment and Judgment thereon and the Costs thereof, as to them shall seem meet; and any General Order so made shall have the Force and Effect of Law, any Law or Usage to the contrary in anywise notwithstanding: Provided always, that the Signature of the Attorney for the Plaintiff, with his registered Residence in *Dublin*, shall be sufficient to every such Declaration after the First Day of *January* One thousand eight hundred and fifty-one, and it shall not be necessary that the Name of a Barrister shall be affixed thereto, nor shall the Expense of obtaining such Signature be allowed against the Defendant in such Action.

Proceedings after Appearance in Replevin and Ejectment.

Judges to make Regulations as to Declarations and Proceedings in Ejectment.

XVII. And be it enacted, That if any Defendant in any such Action of Ejectment shall not appear in due Time according to the Exigency of the Writ of Summons, upon due Service thereof, it shall be lawful for the Plaintiff to enter an Appearance for such Defendant according to the Course herein provided with reference to Personal Actions generally; and if there shall be several Defendants in any such Action who shall not appear as aforesaid, the Plaintiff shall not enter several Appearances for them, but it shall be lawful for him to enter One Appearance, including

Proceedings where Defendant does not appear.

including all such defaulting Defendants, and which Appearance shall be deemed to be an Appearance for all the said Defendants, severally as well as jointly; and the Plaintiff shall not file several Declarations against such Defendants so defaulting, but shall file One Declaration, which shall be applicable to all such Defendants jointly and severally, as well as to all Defendants who shall have appeared, and if he obtain Judgment thereon such Judgment shall have the Force and Effect of a Judgment in like Cases against each Defendant severally; and after the filing of the Plaintiff's Declaration it shall be lawful for every Defendant who shall have appeared in any such Action, in pleading to such Declaration, to take Defence for all the Lands and Premises in such Declaration mentioned, or any Part thereof, which Defence shall have the same Effect as Defences in Ejectment now have according to the present Practice of the Courts, subject to such Regulations as the Judges, by any General Order made as herein-after provided, shall direct.

Judges to settle upon and approve of a simple Form of Declaration to be hereafter used in all Actions.

XVIII. And be it enacted, That the said Judges shall and they are hereby required, in manner aforesaid, to settle upon and approve of a plain and simple Form of Declaration to be hereafter used in all Actions at Law which may hereafter be brought or maintained upon any Bill of Exchange, Promissory Note, or for Money had or received by or paid for the Use of any Person, or for Goods sold and delivered, which Form, and no other, (unless the Court in which such Action is brought shall, on Motion, make an Order to the contrary,) shall be filed, used, or adopted in all such and the like Actions; and in all such Actions the Name of the Plaintiff and his Residence shall be signed thereto if he shall sue in Person, but otherwise the Name and registered Residence of his Attorney; and no Fee to Counsel shall be allowed on any such Declaration, nor shall any Signature of a Barrister be necessary thereto.

Costs in Cases of Judgment by Default.

XIX. And be it enacted, That in all Cases when Judgment shall be permitted by the Defendant to go by Default, or where such Defendant shall, within the Period limited by the Practice of the Court, file a Plea of Confession in such Action, no Taxation of Costs on the Part of the Plaintiff shall take place therein, but the Officer of the Court in which Judgment shall be signed shall and he is hereby required, in case the Writ of Summons shall have been served in *Dublin*, to add to such Judgment the Sum of Five Pounds as and for the Plaintiff's Costs, but if the Writ of Summons shall have been served elsewhere in *Ireland*, then the Sum of Six Pounds shall be added for such Costs of the Plaintiff to such Judgment: Provided always, that this Provision shall not extend or be applicable to any

Case

Case where by reason of the Defendant being resident out of the Jurisdiction of the Court the Substitution of the Service of the Writ of Summons shall have been rendered necessary.

XX. And be it enacted, That every Writ of any Description whatsoever to be hereafter issued out of the said Superior Courts of Common Law shall or may be issued and tested or made returnable on any Day, not being one of the Days hereby appointed as Holidays, whether such Day shall be in Term Time or Vacation; and every such Writ so issued, tested, or returnable shall be of the like Validity, Force, and Effect as if the Day of the issuing, testing, or Return of such Writ were actually a Day in Term, any Law or Usage to the contrary notwithstanding: Provided always, that nothing herein contained shall apply or be construed to alter or affect the Process and Practice of the Revenue Side of the Court of Exchequer.

Writs of every Description may be tested and returnable in Vacation as well as in Term;

XXI. And whereas, according to the present Practice in the said Courts, Writs of Execution must in certain Cases in the first instance be directed to the Sheriff of the County or County of the City laid or mentioned in the Venue in the Pleadings, and no such Writ of Execution can issue to any other County until a Return shall have been had on such first Writ, and such Practice retards the due Administration of Justice: Be it therefore enacted, That from and after the passing of this Act any Writ of Execution, except a Writ of Habere facias possessionem or other Writ of Possession, in any of the said Courts, may issue and be directed in the first instance to the Sheriff of any County or County of a City or other Shrievalty, as the Parties suing out the same may think fit, without regard to the Venue in the Pleadings laid or mentioned, and without any Recital of a previous Writ, any Law or Usage to the contrary notwithstanding.

and Writs of Execution may be directed to Sheriff of any County without regard to Venue in Pleadings.

XXII. And be it enacted, That every Rule or Order, other than Rule on Postea, in or of the said Superior Courts of Common Law or either of them, which according to any present Practice or Usage of the said Courts can or ought only to be made, entered, or issued in Term Time or as in Term Time, or as or on any or some particular Day in Term Time, shall and may be made, entered, or issued on or as of any Day, except the Days hereby appointed to be observed and kept as Holidays, whether such Day shall be in Term Time or Vacation; and the Days limited for Compliance with such Rules or Orders shall, with the Exception of the Days hereby appointed to be observed and kept as Holidays, and of the Days between the First Day of *August* and Twentieth Day of *October*, run in Vacation as well as in Term Time; and all such Rules and Orders

Rules shall issue and run in Vacation as well as in Term Time.

Orders shall be of the like Validity, Force, and Effect, and all subsequent Proceedings may be had thereon, as if the Days of making, issuing, and running thereof were actually Days in Term.

Holidays.

XXIII. And be it enacted, That the following, and none other, shall be observed and kept as Holidays in the Offices of the said Courts, and in the Office of Registrar of Judgments; that is to say, *Sunday*, *Christmas Day*, and the Three Days following that Day, *Good Friday*, *Easter Eve*, *Monday* and *Tuesday* in *Easter* Week, *Whit Monday* and *Whit Tuesday*, any Day appointed for a Public Fast or Thanksgiving, and, when they do not occur in Term Time, the Day appointed to be kept as the Birthday and the Day of the Accession of Her Majesty the Queen and Her Successors; and the Days between *Thursday* next before and *Wednesday* next after *Easter* shall not be reckoned or included in any Rules or Notices or other Proceedings, except Notices of Trial and Notices of Inquiry in any of the said Courts.

Courts may hold Sittings in Vacation.

Such Sitting to be holden by Order published with Week's Notice.

Judgments and Orders to have same Effect as if made in Term.

XXIV. And be it enacted, That from and after the passing of this Act it shall be lawful for the said Courts, at their Discretion, to hold Sittings in Banco in Time of Vacation for the Purpose of disposing of Business therein pending and undecided in such Courts respectively; and that such Sittings in Vacation may be holden by virtue of a Rule or Order of the said Courts respectively to be made in or out of Term, whereof a Week's Notice (in such Form as the said Courts respectively shall direct) shall be published in the *Dublin Gazette*, and affixed in some conspicuous Place at the Entrance of such Court respectively making such Order; and that all Judgments to be pronounced at such Sittings in Banco, and all Rules and Orders in respect thereof to be made by virtue of this Act, shall have the same Effect to all Intents and Purposes as if they had been pronounced or made in Term Time.

Judges to establish Uniformity of Practice by a General Order.

Code to be agreed upon by Judges, and be the uniform Practice.

XXV. And be it enacted, That it shall and may be lawful for the said Judges and they are hereby required to cause a Revision to be made and continued from Term to Term of the Practice and Pleading of the said Courts, and on or before the First Day of *January* next following the passing of this Act to make such General Orders as to them shall seem fit, so that thenceforth there shall be Uniformity of Practice and Pleading in the said Courts and the Offices thereof; and any Code of Practice and Pleading consistent with the Provisions of this Act which shall be agreed upon and adopted by the said Judges or any Seven or more of them, of whom Two shall be Chief Judges, and notified by General Order under their Hands, shall thenceforth be the uniform Practice

Practice and Pleading to be observed in each of the said Courts and the Offices thereof, any Law or Usage to the contrary notwithstanding: Provided always, that it shall be lawful for the said Judges or any Seven or more of them, of whom Two shall be Chief Judges, from Time to Time and at all Times in like Manner to vary, alter, and amend the said Code of Practice and Pleading as to them shall seem fit.

Proviso for Alteration or Amendment of Code.

XXVI. And be it enacted, That every Judge of the said Courts, to whatever Court he may belong, shall have full Power and competent Jurisdiction and shall be and he is hereby authorized to sit in *Dublin*, as well in Term as in Vacation, for the Trial of Issues in Fact arising in any of the said Courts, and to transact in Chamber or elsewhere such Business depending in any of the said Courts as relates to Matters over which the said Courts have a common Jurisdiction, and as may, according to the Course and Practice of the Courts, be transacted by a single Judge.

Every Judge of either Court may try Issues and make Orders in Chamber in Business depending in any of the Courts.

XXVII. And be it enacted, That from and after the First Day of *Hilary* Term next after the passing of this Act the Nisi Prius Courts of the said Superior Courts of Common Law sitting at *Dublin* shall be consolidated, and that thenceforth there shall be but One Common Court of Nisi Prius for the Trial at *Dublin* of Issues in Fact arising in either or any of the Courts, except as herein-after provided, and for the Hearing of Appeals from inferior Jurisdictions; which Court of Nisi Prius shall consist of One Judge or Baron of either of the said Superior Courts, to be chosen for that Purpose by the said Judges and Barons according to such Arrangement as they shall think proper, and in such Order of Rotation that each Court shall, by One of its Judges or Barons, take the Duty in turn by Terms.

Consolidated Court of Nisi Prius for the Trial of Issues arising in any Superior Courts.

XXVIII. And be it enacted, That such consolidated Nisi Prius Court shall sit continuously or by Adjournment, as Occasion may require, from the Second Day of each Term until the End thereof, or so much longer as may be necessary for the Completion of any Trial then in progress before the said Court, and that Notice of Trial may be served for any Day within the said Period, subject however to such Regulations as to the Class of Cases to be tried in the said Court, or otherwise, as the Judges may by any General Order make from Time to Time in that Behalf: Provided always, that nothing herein contained shall be construed to interfere with the Duty of the Chief Judge of each Court as now discharged of sitting after Term for the Trial of Issues at Nisi Prius, but that each of the said Chief Judges shall,

Such Court to sit continuously.

shall, notwithstanding the Sittings at Nisi Prius herein provided, sit after Term as heretofore for the Trial of any Issues at Nisi Prius arising in his Court, which shall be entered as heretofore for such after Sittings; and provided also, that if any Issue or Issues entered for Trial in the said consolidated Nisi Prius Court shall remain undisposed of at the Termination of the Sittings of the said Court for any Term, the same shall be transferred to and be deemed to have been entered for such after Sittings, and shall be taken up and disposed of respectively by the Chief Judge of the Court in which such Issues respectively shall have arisen, as if the same had been originally entered for such after Sittings.

Officers of consolidated Nisi Prius Court.

XXIX. And be it enacted, That the Duty of attending such consolidated Nisi Prius Court as Clerk of Nisi Prius shall be discharged by the Town Registrar of the Chief Justice or Chief Baron of the Court to which the Judge sitting at Nisi Prius shall belong; and if it shall happen that such Sitting at Nisi Prius shall not have terminated at any Time when the Chief Justice or Chief Baron shall require the Attendance of his said Registrar for the Purpose of such Nisi Prius Sittings in his own Court as aforesaid, then and in such Case it shall be lawful for the said Nisi Prius Judge to require the Attendance of any of the Assistants or Clerks belonging to his Court who can at such Time be spared from his Office Duties, to act as his temporary Clerk of Nisi Prius; and the Lords Chief Justices and Chief Baron, or any Two of them, shall appoint a fit and proper Person to act as Crier of the said Nisi Prius Court, who shall be paid such Salary as the Commissioners of Her Majesty's Treasury shall direct, the same to be charged and included in the quarterly Accounts of incidental Expenses of the said Courts respectively, in like Manner and Proportions as the Salary of the Court Keeper of the Nisi Prius Court, and other incidental Expenses common to the Three Courts, are now charged; and all Jurors, Witnesses, and other Persons who may have been summoned or required to attend or who ought to attend at or for the Trial of any Cause before the said Chief Justice or Chief Baron shall give their Attendance at or for the Trial thereof before such other Judge as shall be sitting for the Trial thereof by virtue of this Act: Provided always, that all Causes intended to be tried at any Sittings at Nisi Prius at *Dublin* shall be entered for Trial with the Registrar of the Chief Justice or Chief Baron of that Court in which the Cause shall be at issue, and all other Process and Proceedings for or relating to the Trials thereof shall be made and issued as heretofore, but nevertheless the Trial of every Cause which shall be tried by virtue of this Act shall be entered and made of Record as

having

having been had and made before the Judge before whom such Cause shall happen to have been actually tried.

Appeals to be heard by consolidated Nisi Prius Court.

XXX. And whereas by certain Acts of Parliament now in force in *Ireland* Provision is made for enabling any Person who may think himself aggrieved by a Decree or Dismiss of the Recorder of *Dublin* upon any Civil Bill, or by a Decree, Dismiss, or Order of the Chairman of the County of *Dublin*, or by the Decree of any Seneschal or Steward of any Manor Court within the County of *Dublin*, to appeal from such Decree to the Chief Justice of Her Majesty's Court of Queen's Bench or Common Pleas, or to the Chief Baron of Her Majesty's Court of Exchequer in *Ireland*, or other Justice of Nisi Prius, at their respective Sittings at Nisi Prius for the City of *Dublin*: Be it enacted, That from and after the Commencement of this Act all such Appeals shall be made to the said consolidated Nisi Prius Court herein-before constituted and authorized at the Sittings thereof which shall commence or be in progress next after the Expiration of Fourteen Days from the Day of making such Decree, Dismiss, or Order, and shall be received and determined by the said Court at any Time or Times of its Sittings which shall be appointed by the Judge of the said Court for that Purpose.

Unequal Distribution of Business to be remedied.

XXXI. And whereas much public Inconvenience arises from the unequal Distribution of Business amongst the said Superior Courts of Common Law, whereby one Court is often insufficiently employed while the others are unduly pressed, to the great Delay and Injury of Suitors and Detriment of Justice, and it is expedient to adopt Means to equalize the Business of the said Courts, so far as the same can be effected: Be it therefore enacted, That from and after the Commencement of this Act the several Writ and Appearance and Seal Offices of the Superior Courts of Queen's Bench, Common Pleas, and Pleas Exchequer in *Ireland* shall be consolidated, and there shall be for the said Three Courts but One Common Writ and Appearance and Seal Office for the Entry, Issue, and Sealing of Writs for all and each of the said Courts, and for the Transaction of such other Business as is now transacted at the Writ and Appearance and Seal Offices of such respective Courts, and which Office, and the Officers, Assistants, and Clerks therein, shall be deemed equally the Office, and Officers, Assistants, and Clerks, of each of the said Courts, as well for and in respect of any Business or Proceedings which may have been commenced before and be in progress at the Time of the Commencement of this Act or of any Part thereof as for and in respect of any Business or Proceedings which may be commenced thereafter, and shall be subject to such Orders, Rules, and

Writ and Appearance and Seal Offices to be consolidated.

Regulations as the Lords Chief Justices of the said Courts of Queen's Bench and Common Pleas and Lord Chief Baron of the said Court of Exchequer, or any Two of them, shall from Time to Time or at any Time make for the Regulation and Conduct thereof.

Chief Justices to select Clerk of Writs and Assistants from amongst those now similarly employed;

XXXII. And be it enacted, That it shall and may be lawful for the Lords Chief Justices of the said Courts of Queen's Bench and Common Pleas, and the Lord Chief Baron of the said Court of Exchequer, and they are hereby required, as soon as conveniently may be after the passing of this Act, and in reasonable Time before the Commencement thereof, to select and appoint, from amongst the Officers, Assistants, and Clerks now employed in the Writ, Appearance, and Seal Offices of the said Three Courts, One of the said Officers now being Clerk of the Writs, Appearances, and Seal, to be the Clerk of the Writs, Appearances, and Seal in the said consolidated Office, and a sufficient Number of the said Assistants and Clerks to discharge the Duties of the said consolidated Office; and the Persons so selected and appointed by the said Chief Justices and Chief Baron shall have the same Powers and Authorities and discharge the like Duties in the said consolidated Office, except as herein-after provided, as were assigned to the Clerks of the Writs, Appearances, and Seal, and their Assistants and Clerks, in the respective Offices of the said Three Courts, under and by virtue of an Act passed in the Seventh and Eighth Years of the Reign of Her present Majesty, intituled *An Act to regulate and reduce the Expense of the Offices attached to the Superior Courts of Common Law in* Ireland *payable out of the Consolidated Fund*, and shall hold their Offices as therein provided, and shall be entitled to such Salaries respectively as the Commissioners of Her Majesty's Treasury shall assign; and such Salaries, when settled and directed by the said Commissioners of Her Majesty's Treasury, shall be payable to the said Persons respectively in like Manner and out of the same Fund as provided for Payment of Salaries by the said recited Act.

such Clerk of Writs and Assistants to have same Powers, &c. as under 7 & 8 Vict. c. 107.

Future Appointments to be made as herein directed.

XXXIII. And be it enacted, That when and so often as a Vacancy shall occur by the Death, Resignation, or Removal of the Clerk of the Writs to be appointed in pursuance of this Act, it shall and may be lawful for the Lord Lieutenant or other Chief Governor of *Ireland* for the Time being to nominate and appoint some fit or proper Person to fill such vacant Office; provided that the Person so appointed shall be qualified as by the said last-recited Act is directed and required; and when and so often as a Vacancy shall occur by the Death, Resignation, or Removal of any of the Assistants or Clerks in the said Office such Vacancy shall be filled up by the Appointment of such of the Assistants or Clerks then in the said Office holding

Situations

Situations inferior to that which shall be vacant, as the Masters of the said Superior Courts, or any Two of them, shall select and appoint, with the Approval of the Lords Chief Justices and Chief Baron, or any Two of them; and that on all future Vacancies in the Junior Clerkship in the said Office the Masters of the said Superior Courts, or any Two of them, shall appoint some fit and proper Person to be such Junior Clerk.

Clerk of the Writs not to take Affidavits or receive and file returned Writs.

XXXIV. Provided always, and be it enacted, That the said Clerk of the Writs shall not take Affidavits, or receive and file any returned Writs, and that all such Writs shall be received and filed by the Pleadings' Assistants respectively of the Courts into which the same shall be returnable.

Officers now in Writ Offices not included in consolidated Office to cease to be such Officers, &c.

XXXV. And be it enacted, That every Officer, Assistant, and Clerk now employed in the said Writ and Appearance and Seal Offices of the said several Courts, and who shall not be so selected and appointed in the said consolidated Office, shall, from the Time of the said Consolidation, cease to be such Officer, Assistant, or Clerk as constituted by the said Act.

Office of Chief Crier of Court of Exchequer abolished, and One Crier only to be appointed.

XXXVI. And be it enacted, That from and after the Commencement of this Act the Office of Chief Crier of the said Court of Exchequer shall be and the same is hereby abolished, and there shall be but One Crier of the said Court, to be appointed and to hold his Office in like Manner as the Crier of each of the other Superior Courts of Common Law; and it shall not be lawful for any Crier of the said Court of Exchequer to ask, demand, or receive any Fee or Fees in respect of Judgments, Appearances, or any other Proceedings at the Law Side of the said Court, but that such Fees shall utterly determine and cease to be payable; and that in lieu thereof such Crier shall in future be paid a Salary of One hundred and twenty Pounds yearly, as in the other Two Superior Courts of Common Law, which Salary shall be payable to such Crier in like Manner and out of the same Fund as herein-before provided for the Payment of Salaries: Provided always, that the said Crier shall account periodically, at such Times and in such Manner as the said Commissioners of the Treasury shall direct, for the Fees to be received by him in respect of Business at the Equity Side of the said Court; and shall pay over the Amount thereof at such Times and in such Manner as the said Commissioners of the Treasury shall direct, so that the same shall be carried to the Credit of the Consolidated Fund: Provided also, that the said Crier shall be entitled to receive such Salary in respect of the said Equity Business as the said Commissioners of the Treasury

Crier to be paid in future by Salary, as in the other Courts.

Treasury shall direct, the same to be payable out of the Consolidated Fund.

Compensation to Persons affected by Act.

XXXVII. And be it enacted, That every Person holding any Office or Employment in the said several Courts, who shall by the Operation of this Act be deprived of such Office or Employment, or any Emolument arising therefrom, shall be entitled to make a Claim for Compensation to the Commissioners of Her Majesty's Treasury within Six Calendar Months after the passing of this Act; and it shall be lawful for the said Commissioners, in such Manner as they shall think fit, to inquire what was the Nature of the Office or Employment, and what was the Tenure thereof, and what were the lawful Salary or Emoluments in respect of which such Compensation should be allowed, and the said Commissioners in each Case shall award such Compensations, if any, as they shall think just; and all such Compensations shall be paid out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*: Provided always, that if any Person ceasing under this Enactment to be continued or employed as aforesaid shall be appointed after the passing of this Act to any public Office or Employment, the Payment of the Compensation awarded to him under this Act, so long as he shall continue to receive the Salary or Emoluments of such Office or Employment, shall be suspended if the Amount of such Salary or Emoluments be greater than the Amount of such Compensation, or, if not, shall be diminished by the Amount of such Salary or Emoluments: Provided also, that an Account of all such Compensations shall, within Fourteen Days next after the same shall be so granted, be laid upon the Table of the House of Commons, if Parliament be then assembled, or if Parliament be not then assembled, then within Fourteen Days after the Meeting of the Parliament then next assembled.

Writs for Commencement of Actions to be issued in Rotation for the several Courts.

XXXVIII. And be it enacted, That from and after the said Consolidation of Offices all Writs for the Commencement of Personal Actions in the said Courts shall by the Clerk of the Writs be entered and issued in Rotation by Twenty-fives, that is to say, the first Twenty-five for the Queen's Bench, the Second Twenty-five for the Common Pleas, and the Third Twenty-five for the Exchequer, and so on in continuous Rotation of Twenty-fives for the several Courts, so as to produce and keep up an equal Distribution thereof; and all subsequent Proceedings in any Action so commenced shall be had and taken in the Court to which the said Writ shall be in the course of Rotation allotted, and shall be the Business of the said Court and the Offices thereof.

XXXIX. And

XXXIX. Provided always, and be it enacted, That no Plea in Abatement on the ground of any Privilege possessed or claimed by any Defendant to be sued in any particular Court shall be valid in any such Action.

No Plea in Abatement on ground of Privilege to be valid.

XL. And be it enacted, That it shall and may be lawful for the Judges of the said several Courts and they are hereby required to devise and adopt and cause to be prepared a fitting Seal, which shall be the Common Seal of the Three Courts, to be affixed to all Writs of either Court by the Clerk of the Writs, and which Seal shall be in lieu of and have the same Force and Effect as the respective Seals of the said Courts now in use.

One Common Seal to be used for the Three Courts.

XLI. And be it enacted, That from and after the Commencement of this Act every Pleading to be filed in any of the Offices of the said Courts shall be engrossed or written on Vellum or Parchment of uniform Shape and Dimensions, with a certain Margin so as to admit of their being filed and kept as hereinafter directed; and that every Affidavit or other Proceeding usually written upon Paper, and to be filed in any of the said Offices, shall in like Manner be of uniform Shape and Dimensions, and with a like Margin for the like Purpose; and the said Judges or any Seven or more of them, of whom Two shall be Chief Judges, shall determine and by their Order direct what shall be the Shape and Dimensions and Pattern of such Vellum, Parchment, or Paper respectively, and to what Documents such Regulations shall apply; and the Officers of the said Courts shall not receive or file any Pleading, Affidavit, or Document which shall not be according to such Regulations, and engrossed or written fairly and legibly, and in fit Condition to be placed amongst the Records of the Court.

All Pleadings, &c. to be of uniform Shape and Dimensions.

Judges to fix the Shape and Dimensions of Pleadings, &c.

XLII. And be it enacted, That the Officers whose Duty it shall be to file and keep such Pleadings, Affidavits, and Documents respectively shall file the same as they shall be received in compact Order, attaching them by Laces through the Margin to Portfolio Covers after the Manner of Books, so that the same shall be kept free from Injury and easily accessible; and that when it shall be required to make up any Judgment, the Attorney requiring the same shall deliver to the proper Officer a correct Summary or Recital of the Proceedings, briefly stating the several Pleadings and the Nature thereof, and which Summary shall be written fairly on Parchment, and signed by the Attorney; and thereupon the Officer shall take off from the Pleadings File the several Pleadings in the Cause in which such Judgment shall be required to be made up, and shall place them, together

Officers to file Pleadings, &c. after the Manner of Books.

When Judgment to be made up Attorney to deliver to Officer a Summary of Pleadings; and Officer to put Pleadings together on Judg-

ment File as the permanent Record.

together with the said Summary prefixed, in consecutive Order, in like Manner secured by Laces through the Margin, upon the File of Judgments, there to be kept as the permanent Records of the Court.

It shall not be necessary to transcribe the whole Pleadings on the Judgment Roll, or to insert Continuances, &c., but only a Summary or Recital, &c.

XLIII. And be it enacted, That from and after the Commencement of this Act it shall not be necessary in enrolling Judgments in any of the said Courts to transcribe the whole Pleadings as heretofore upon the Roll, or to insert Continuances or Imparlances or any other Fictions now used for Form sake; and that it shall in all Cases of enrolling Judgments be sufficient to place on the Roll a correct Summary or Recital of the Proceedings according to Fact, such as herein-before directed, together with the Award of Judgment in proper Form, with a Reference to the original Pleadings on the Judgment File, whereby the same may be immediately found and inspected; and no Judgment so enrolled under the Authority of this Act shall be liable to be disturbed on the Ground of Error on account of any Omissions hereby authorized upon any Plea whatsoever, any Law or Usage to the contrary notwithstanding: Provided always, that if it shall be deemed necessary in any Case for the Prosecution of a Writ of Error, or for any other Purpose, it shall and may be lawful for the Court to order that the whole or any Part of the Pleadings shall be transcribed upon the Roll, and the same shall be transcribed by the proper Officer.

No Judgment to be disturbed on the Ground of Error on account of Omissions hereby authorized.

Proviso for Cases of Writs of Error, &c.

On filing any Pleading, Affidavit, &c., Copy must be delivered with the Notice, and, except in certain Cases, attested Copy shall not be necessary.

XLIV. And be it enacted, That from and after the Commencement of this Act, on the filing of any Pleading, Affidavit, Document, or Proceeding in any of the Offices of the said Courts or either of them, of which filing it shall be necessary to serve Notice, the Party filing the same shall cause to be served and delivered, together with the Notice thereof, a true Copy of such Pleading, Affidavit, Document, or Proceeding; and it shall not be necessary for either Party to take out or produce in Court or before any Judge or Baron in Chamber an attested Copy of any Pleading, Affidavit, Document, or Proceeding, a Copy of which shall have been delivered, unless it shall happen that the Trial, Hearing, or Motion upon which the Copy of such Pleading, Affidavit, Document, or Proceeding shall be read or used shall be had or made at Assizes, or at any Place where immediate Reference cannot be had to the original Pleading, Affidavit, Document, or Proceeding on the File, in the event of the Accuracy of the delivered Copy being disputed; and all Paper Books for the Judges on Law Arguments, and Transcripts of Records for the Court of Error, shall be prepared and written or engrossed by the Attornies or Parties requiring them, under such Regulations as the Judges

Judges shall make in that Behalf by any General Order as hereinbefore provided.

XLV. And be it enacted, That any Expenses which the said Judges shall certify (as now required with reference to incidental Expenses) to have been necessarily or properly incurred in giving effect to the Provisions of this Act shall be charged and paid in like Manner and as Part of the incidental Expenses of the said Courts.

Expenses certified as proper to be paid as Part of incidental Expenses.

XLVI. And be it enacted, That all Persons who shall at the Commencement of this Act have been duly appointed as Commissioners for taking Affidavits or Special Bail in and for any one of the said Superior Courts of Common Law shall be Commissioners for, and they are hereby authorized to take Affidavits or Special Bail in and for each of the said Courts; and the Administration of all Affidavits and all Bail Pieces taken by them or any of them by virtue hereof shall have the same Force and Effect to all Intents and Purposes as if the Commissioner administering or taking the same were duly appointed by Commission from each of the said Courts.

Commissioners for taking Affidavits in One Court shall be Commissioners for all the Law Courts;

XLVII. And be it enacted, That from and after the Commencement of this Act no Commissioner for taking Affidavits or Special Bail for the said Courts shall be appointed except by the Court of Queen's Bench; and that each and every Person appointed by the said Court as Commissioner for taking Affidavits or Special Bail shall be, by virtue of the Commission issued by the Court of Queen's Bench, a Commissioner duly authorized to all Intents and Purposes for taking Affidavits or Special Bail in and for all the Superior Courts of Common Law, with all the Powers and Privileges now by Law belonging to, or hereafter to belong to, Commissioners appointed to take Affidavits in and for the said Courts or either of them.

and hereafter shall be appointed by Court of Queen's Bench.

XLVIII. Provided always, and be it enacted, That any Person disqualified by the Order of either of the said Courts from acting as such Commissioner shall be thereupon disqualified from acting as such Commissioner for all the said Courts.

As to Disqualification of Commissioners.

XLIX. And be it enacted, That, save where herein otherwise provided, this Act shall commence and take effect on the last Day of *Trinity* Term next after the passing hereof.

Commencement of Act.

L. And be it enacted, That the Schedule to this Act annexed, and all Directions and Matters therein contained, shall be deemed and taken to be Part of this Act.

Schedule to be Part of this Act.

LI. And

Interpretation of Act.

LI. And be it enacted, That in the Construction of this Act the Words "Judge or Judges" shall be taken to mean also Baron or Barons; and that the Words "Recorder, Chairman, Seneschal, or Steward" shall be taken to include any Deputy of the said Recorder, Chairman, Seneschal, or Steward; and that wherever the Word "County" is used herein it shall be taken to extend to and include, where necessary or consistent, any County of a City or County of a Town, or City and County of any Place, as the Case may be; and that the Words "Party and Person" shall extend to and include any Corporation or other public Body; and that any Words importing the Singular Number or the Masculine Gender only shall be understood to include several Matters as well as one Matter, and several Persons as well as one Person, and Females as well as Males, and Bodies Corporate as well as Individuals, unless it be otherwise provided, or there be something in the Subject or Context repugnant to such Construction.

Act may be amended, &c.

LII. And be it enacted, That this Act may be amended or repealed in the present Session of Parliament.

SCHE-

SCHEDULE to which this Act refers.

No. 1.

Writ of Summons.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith.

To *A.B.* of [*Residence and Description, as the Case may be*], greeting. We command you, that within Eight Days after the Service of this Writ on you, inclusive of the Day of such Service, you do cause an Appearance to be entered for you in Our Court of* at Dublin in an Action [*as the Case may be; if in Ejectment add the Words,* "of Trespass and Ejectment for Nonpayment of Rent," *or* "on Title," *as the Case may be,* "to recover Possession of" *describing the Lands and Premises,*] at the Suit of *C.D.* of [*Residence and Description, as the Case may be; in Ejectment add the Words,* "and such other Person or Persons as may be necessary to support such Action"]; and take notice, that in default of your so doing the said *C.D.* may cause an Appearance to be entered for you, and proceed thereon to Judgment and Execution.

* The Name of the Court to be inserted by Clerk of the Writs at the Time of entering and sealing.

Witness the Seal of Our Superior Courts of Common Law hereunto set at Dublin, the Day of in the Year of Our Lord 18 .

Memorandum to be subscribed to the Writ before entering and sealing thereof.

Issued by *E.F.* of No. [*the registered Residence*] Dublin.

Attorney for the said *C.D.*

In Cases where the Plaintiff sues in Person the Form shall be varied and signed accordingly.

Memorandum to be endorsed on the Writ before Service thereof.

N.B.—This Writ is to be served within Four Calendar Months from the Date thereof, including the Day of such Date, and not afterwards. (*And if the Action be for liquidated Damages*) the Plaintiff claims £ for Debt and for Costs, and if the Amount thereof be paid to the Plaintiff or his Attorney within Eight Days from the Service hereof, further Proceedings will be stayed.

Memorandum to be endorsed on the Writ in Actions of Ejectment for Nonpayment of Rent before Service thereof.

THE Plaintiff claims £ being for Year's Rent up to the Day of 18 , the Times at which the same accrued due being as follows, that is to say, and if the Amount thereof be paid to the Plaintiff or Attorney, together with the Costs, before the Day of 18 , further Proceedings will be stayed.

Attorney for the Plaintiff.

Endorsement to be made on the Writ after Service thereof.

This Writ was served by me *X. Y.* on *A.B.* therein described, personally, at in the County of on the Day of 18 .

(Signed)

N.B.—This Endorsement to be varied as may be necessary in Cases of Corporations, &c., or of substituted Service.

No. 2.

Form for entering Appearance.

Court of

Docket of Appearance.

A.B. at the Suit of C.D. } The Defendant *A.B.* this Day appears to the Writ of Summons [*if in Ejectment or Replevin, to be so stated here*] in this Cause by Attorney for the said

Dated this Day of 1850.

No. Dublin.

N.B.—In Cases of Default the Words "pursuant to Statute" *to be inserted after the Word* "appears;" *and in Cases where the Defendant appears in Person the Form shall be varied and signed accordingly. In all Cases the Residence or registered Residence of the Defendant or Attorney appearing shall be stated in the Docket of Appearance.*

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Provision as to Costs in Section 19. of recited Act to apply only to Cases herein specified.

II. And whereas it is by the said Act enacted, that in all Cases when Judgment shall be permitted to go by Default no Taxation of Costs shall take place therein, but the Officer of the Court in which Judgment shall be signed shall and he is thereby required to add to such Judgment the Sums in the said Act specified as and for the Plaintiff's Costs: Be it enacted and declared, That the said Provision shall be construed and taken, and it is hereby declared to apply only to Cases of Judgment by Default in personal Actions brought for the Recovery of liquidated Sums under Twenty Pounds.

Commencement of Act.

III. And be it enacted, That this Act shall take effect from the passing thereof.

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Sessions, and approved by a Secretary of State, as in the said recited Act is required, shall in like Manner be paid to the said Constables for the Execution of any Order of a Justice made in Writing, or for the Performance of any occasional Duties, the same being sanctioned and allowed by Justices in Petty Session assembled.

Justices to fill up Vacancies, in the Case of Death, Resignation, &c. of paid Constables.

III. And be it enacted, That in case of the Death or Resignation or Dismissal for Misconduct of any paid Constable at any Time, it shall be lawful for the Justices of the Division in Petty Sessions assembled forthwith to appoint another paid Constable, from and out of the List of Constables allowed by the said Justices at the Special Sessions last holden for the Appointment of Constables, at the same Rate of Salary as has been agreed by the Vestry in the Manner required by the said recited Act to be given to paid Constables.

Notices for holding Special Sessions for Appointment of Constables to be given by Clerks.

IV. And whereas it is by the said recited Act enacted, that due Notice shall be given to Justices to hold Special Sessions for the Appointment of Parochial Constables, but it is not stated by whom such Notice shall be given: Be it enacted, That such Notice shall be given by the Clerk or Clerks to the said Justices.

All Persons employed by Post Office exempt from serving as Constables.

V. And whereas it is by the said recited Act enacted, that certain Persons therein named shall be freed and exempt from serving the Office of Constable under the said Act: Be it enacted, That the said Exemption shall extend to all Postmasters and Persons employed in the Business of the Post Office.

5 & 6 Vict. c. 109. s. 23., as to Appointment of Constable to take charge of Lock-up Houses, repealed.

VI. And whereas it is by the said recited Act enacted, that whenever the Justices shall have provided a Lock-up House under this Act they shall also appoint a superintending Constable to have the Charge thereof, who shall have all the Powers and Immunities of a Parish Constable under this Act, and shall have the Superintendence of all the Parish Constables appointed in such Parishes as shall be ordered by the said Justices, and under such Regulations as they shall make, and every such superintending Constable shall be entitled to hold his Office until dismissed by the Justices in General or Quarter Session assembled, and shall receive such Salary out of the County Rates as the Justices assembled as aforesaid shall order; and it is expedient that the said Enactment should be repealed, and other Provisions made in lieu thereof: Be it enacted, That the said Enactment shall be repealed; and that it shall be lawful for the Justices of the Peace of any County in General or Quarter Session assembled to appoint a superintending Constable for each or any Petty Sessional Division within the said County, who shall have all the Powers and Immunities of a Parish Constable under the said recited Act, and shall

Superintendents of Constables to be appointed.

shall have the Superintendence of all the Parish Constables appointed in such Parishes as shall be ordered by the said Justices, and under such Regulations as they shall make, and shall perform such Duties as the said Justices shall require of him; and whenever the Justices assembled as aforesaid shall have provided a Lock-up House under the said recited Act, they shall also appoint a Constable to have the Charge thereof, who shall also have all the Powers and Immunities of a Parish Constable under the said recited Act; and every superintending Constable, and Constable so appointed to the Charge of a Lock-up House, shall be entitled to hold his Office until dismissed by the Justices in General or Quarter Sessions assembled, and shall receive such Salary and Allowances out of the County Rates as the Justices assembled as aforesaid shall order: Provided always, that Notice of the Day at which any Business relating to the Appointment or Dismissal, or to the fixing or ordering of the Salary and Allowances, of any such Constable shall begin at such General or Quarter Session shall be given by the Clerk of the Peace.

When Lock-up Houses are provided Justices to appoint Constables to take charge of the same.

Notice for the Appointment, &c. of Constables to be given by the Clerk.

VII. And be it enacted, That nothing herein contained shall be taken to prevent the Appointment of Special Constables, or to apply to the City of *London* or the Metropolitan Police District, or to any Borough which is within the Provisions of an Act passed in the Sixth Year of the Reign of His late Majesty, intituled *An Act to provide for the Regulation of Municipal Corporations in* England *and* Wales, or of any Charter granted in pursuance of that Act or of any Act made for the Amendment thereof, or to any Parish, Town, or Place in which Rates are or shall be levied for the Payment of Constables under the Provisions of an Act passed in the Fourth Year of the Reign of His late Majesty, making Provision for the lighting and watching of Parishes in *England* and *Wales*, or of any Local Act specially applying to such Parish, Town, or Place; and that nothing herein-before contained shall be taken to apply to the County Palatine of *Chester*.

Act not to apply to the City of London, the Metropolitan Police District, or any Borough or Place within the Provisions of 5 & 6 W. 4. c. 76. and 3 & 4 W. 4. c. 90.

VIII. And for the Purposes of exempting the Metropolitan Police District as herein-before provided, be it enacted, That the Justices in General or Quarter Sessions assembled shall in each Year, at the Time of making up their Accounts for the Year, ascertain what Proportion any Expenses that have been incurred during the preceding Year under this or the said recited Act shall bear to the gross Amount of the County Rate expended within the same Period, and also what Proportion of the said County Rate has been levied within the Metropolitan Police District, and shall repay to each Parish within the said Metropolitan Police District such Proportion of the Sums so levied

Exempting Metropolitan Police District from Payments under this or the recited Act.

as

as they shall ascertain to be a like Proportion of the Sums expended under this Act out of the County Rate.

Act may be amended, &c.

IX. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

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of the Reign, and where there are more Statutes or Sessions than One in the same Year the Statute or the Session (as the Case may require), and where there are more Chapters or Sections than One the Chapter or Section or Chapter and Section (as the Case may require), without reciting the Title of such Act, or the Provision of such Section, so referred to; and the Reference in all Cases shall be made according to the Copies of Statutes printed by the Queen's Printer, or to the Copies thereof contained in the Reports of the Commissioners of Public Records: Provided that where it is only intended to amend or repeal any Portion only of such Section it shall be necessary still either to recite such Portion or to set forth the Matter or Thing intended to be amended or repealed.

Interpretation of certain Words for future Acts.

IV. Be it enacted, That in all Acts Words importing the Masculine Gender shall be deemed and taken to include Females, and the Singular to include the Plural, and the Plural the Singular, unless the contrary as to Gender or Number is expressly provided; and the Word "Month" to mean Calendar Month, unless Words be added showing Lunar Month to be intended; and "County" shall be held to mean also County of a Town or of a City, unless such extended Meaning is expressly excluded by Words; and the Word "Land" shall include Messuages, Tenements, and Hereditaments, Houses and Buildings, of any Tenure, unless where there are Words to exclude Houses and Buildings, or to restrict the Meaning to Tenements of some particular Tenure; and the Words "Oath," "swear," and "Affidavit" shall include Affirmation, Declaration, affirming, and declaring, in the Case of Persons by Law allowed to declare or affirm instead of swearing.

Repealed Acts not to be revived in virtue of the Repeal of the repealing Act.

V. Be it enacted, That where any Act repealing in whole or in part any former Act is itself repealed, such last Repeal shall not revive the Act or Provisions before repealed, unless Words be added reviving such Act or Provisions.

Repealed Provisions of any Act to remain in force until the substituted Provisions come into force.

VI. Be it enacted, That wherever any Act shall be made repealing in whole or in part any former Act, and substituting some Provision or Provisions instead of the Provision or Provisions repealed, such Provision or Provisions so repealed shall remain in force until the substituted Provision or Provisions shall come into operation by force of the last made Act.

Acts to be deemed Public Acts.

VII. Be it enacted, That every Act made after the Commencement of this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such, unless the contrary be expressly provided and declared by such Act.

VIII. Be

VIII. Be it declared and enacted, That this Act shall commence and take effect from and immediately after the Commencement of the next Session of Parliament. Commencement of Act.

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prescribed by

for any Sum or Sums of Money not exceeding in the whole the Sum of Eight millions five hundred and fifty-eight thousand seven hundred Pounds, in like Manner as is prescribed in an Act passed in the Forty-eighth Year of the Reign of King *George* the Third, intituled *An Act for regulating the issuing and paying off of Exchequer Bills*, and in another Act passed in the Session of Parliament holden in the Fourth and Fifth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to regulate the Office of the Receipt of His Majesty's Exchequer at* Westminster, and in another Act passed in the Session of Parliament holden in the Fifth and Sixth Years of the Reign of Her present Majesty, intituled *An Act for further regulating the Preparation and Issue of Exchequer Bills.*

48 G. 3. c. 1.

4 & 5 W. 4. c. 15.

5 & 6 Vict. c. 66.

The Clauses, &c. in recited Acts extended to this Act.

II. And be it enacted, That all and every the Clauses, Provisoes, Powers, Privileges, Advantages, Penalties, Forfeitures, and Disabilities contained in the said Acts shall be applied and extended to the Exchequer Bills to be made out in pursuance of this Act, as fully and effectually to all Intents and Purposes as if the said several Clauses or Provisoes had been particularly repeated and re-enacted in the Body of this Act.

The Treasury to apply the Money raised.

III. And be it enacted, That it shall be lawful for the said Commissioners of Her Majesty's Treasury to issue and apply from Time to Time all such Sums of Money as shall be raised by Exchequer Bills to be made out in pursuance of this Act to such Services as shall then have been voted by the Commons of the United Kingdom of *Great Britain* and *Ireland* in this present Session of Parliament.

Bills, how to be charged and paid.

IV. And be it enacted, That the Principal Sum or Sums of Money to be contained in such Exchequer Bills shall be charged upon and shall be paid out of any Supplies to be granted in the next Session of Parliament.

Interest on Bills.

V. And be it enacted, That the Exchequer Bills to be made out in pursuance of this Act shall bear Date on the Days on which the same shall be respectively issued, and shall bear an Interest not exceeding the Rate of Three-pence Halfpenny *per Centum per Diem* in respect of the whole of the Monies respectively contained therein, payable out of any Aids or Supplies in the Bank of *England* standing to the Credit of the Exchequer.

Bills charged on Supplies to be current in Payment of Public Revenue

VI. And be it enacted, That all the Exchequer Bills to be made out by virtue of this Act, or so many of them as shall from Time to Time remain undischarged and uncancelled, shall, after Twelve Calendar Months from their respective Dates, be taken and shall

pass and be current to all the Receivers and Collectors in Great Britain of the Customs, Excise, or any Revenue, Supply, Aid, or Tax whatsoever already granted or payable, or which shall hereafter be granted or payable, to Her Majesty, Her Heirs and Successors, and also at the Bank of *England* to the Account of Her Majesty's Exchequer, from the said Receivers or Collectors, or from any other Person or Persons, Bodies Politic or Corporate whatsoever, making any Payment there to Her Majesty, Her Heirs and Successors, upon any Account whatever.

after Twelve Calendar Months from their Dates.

VII. And be it declared and enacted, That it shall be lawful for the Governor and Company of the Bank of *England* to advance or lend to Her Majesty, upon the Credit of the Exchequer Bills to be made out in pursuance of this Act, any Sum or Sums of Money not exceeding in the whole the Sum of Eight millions five hundred and fifty-eight thousand seven hundred Pounds; anything in an Act passed in the Fifth and Sixth Years of the Reign of King *William* and Queen *Mary*, intituled *An Act for granting to Their Majesties several Rates and Duties upon Tonnage of Ships and Vessels, and upon Beer, Ale, and other Liquors; and for securing certain Recompences and Advantages in the said Act mentioned to such Persons as shall voluntarily advance the Sum of One million five hundred thousand Pounds towards carrying on the War against* France, or in any subsequent Act, to the contrary thereof in anywise notwithstanding.

Bank of England may advance 8,558,700*l.* on the Credit of Bills, notwithstanding 5 & 6 W. & M. c. 20.

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VICTORIÆ REGINÆ.

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ANNO DECIMO TERTIO & DECIMO QUARTO

VICTORIÆ REGINÆ.

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ditaments lying between the said Lane called *Fisher Lane* and the Pier known as the *Greenwich Pier*, and such Part and Portion of the said Pier as now belongs to and is the Freehold Property of the *Greenwich Pier* Company, and also certain Houses, Buildings, Lands, and Hereditaments bounded on the North by *Crane Street*, on the East by *High Bridge Street*, both in *Greenwich* aforesaid, and on the South and West by certain Buildings, Ground, and Hereditaments already belonging to the said Hospital: And whereas it would also afford greater Accommodation to the Public if the said Dock known as the *Billingsgate Dock*, on the Banks of the River *Thames* in the Parish of *Greenwich* aforesaid, which will in future be used by the Public instead of the said Dock or Landing Place known as the *Ship Dock* and *Ship Stairs*, were enlarged, widened, and improved, and a Landing Place or Landing Stairs provided for the Use of Watermen and other Persons resorting to and using the same, and it would also be a great Accommodation and Improvement to the Town of *Greenwich* aforesaid, and the Persons using the said Dock, if a certain Road or Street known as *Billingsgate Street* in *Greenwich* aforesaid, and leading from *Church Street* to the said Dock, were improved and widened so as to be of an uniform Width of Forty Feet, and it is necessary, in carrying into effect such Improvements, that the said Commissioners should be empowered to purchase and take certain Houses, Buildings, Lands, Tenements, and Hereditaments lying and being on the East Side of *Billingsgate Street* aforesaid, and on the East and West Sides of *Billingsgate Dock*, both adjoining the River *Thames*: And whereas the said Commissioners of *Greenwich* Hospital are willing to take upon themselves the Execution of the above-mentioned Alterations and Improvements; and the Houses, Buildings, Lands, Tenements, and Hereditaments required in making such Alterations and Improvements are mentioned and comprised in the Schedule to this Act annexed: And whereas Plans and Sections showing the Situation and Level of the said *Billingsgate Dock* as the same is intended to be enlarged, widened, and improved, and the Line and Situation of the proposed Alteration and widening of *Billingsgate Street* aforesaid, and a Book of Reference containing the Names of the Owners, Lessees, or Occupiers of the said Houses, Buildings, Lands, Tenements, and Hereditaments, have been deposited with the Clerk of the Peace of the County of *Kent*: And whereas the Objects aforesaid cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Commissioners of *Greenwich* Hospital and their Successors shall be and they are hereby empowered to make the Alterations and Improvements herein mentioned, and

Commissioner of Greenwich Hospital em-

otherwise

otherwise to carry the Purposes of this Act into execution, in manner herein-after mentioned.

powered to make the Improvement.

II. And be it enacted, That when and so soon as the said Dock called the *Billingsgate Dock* shall have been enlarged, widened, and improved, and the said Street called *Billingsgate Street* shall have been widened and improved, in manner herein-after mentioned, and the Footpaths or Footways herein-after provided to be formed and made shall have been formed and made, then and from thenceforth the said Dock or Landing Place known as the *Ship Dock* and *Ship Stairs*, on the Banks of the River *Thames* in the Parish of *Greenwich* aforesaid, or so much thereof as is now public Property, shall be and become vested in the said Commissioners of *Greenwich* Hospital and their Successors, freed and discharged from all public and other Rights and Interests in, over, or upon the same; and then and immediately thereupon it shall be lawful for the said Commissioners to take and stop up the said Lane or Road known as *Fisher Lane*, situate in the Town of *Greenwich* aforesaid, commencing from the East Side of *King William Street*, and proceeding thence Eastward up to the Western Boundary of the said Hospital, and which said Lane or Road so proposed to be taken and stopped up is in Length Three hundred and thirty Feet or thereabouts, and in Breadth Fifty Feet or thereabouts, and the said Lane or Road shall thenceforth cease to be a Highway, and the Soil and Freehold thereof shall be vested in the said Commissioners and their Successors, freed and discharged from all public or private Rights of passing and repassing along the same.

Power to stop up Fisher Lane, and to vest the Ship Dock and Ship Stairs in the Commissioners of Greenwich Hospital.

III. And be it enacted, That it shall be lawful for the said Commissioners of *Greenwich* Hospital to enter upon, and make and maintain, enlarge, widen, deepen, and improve, the said Dock called the *Billingsgate Dock*, on the Banks of the River *Thames* in the Parish of *Greenwich* aforesaid, in the Situation and upon the Lands delineated upon the said Plans, and to make and maintain such Walls, Fences, Landing Places, Landing Stairs, Approaches, and other Works and Conveniences as may afford adequate Accommodation to Watermen and other Persons resorting to and using the same, and as the said Commissioners may think necessary for the Purposes of the said Dock, and to enter upon, take, and use such of the said Houses, Buildings, Lands, Tenements, and Hereditaments as shall be required for the Purposes aforesaid.

Power to widen Billingsgate Dock.

IV. And be it enacted, That if at any Time hereafter, before the Completion of the said Dock, the Lord High Admiral of the United Kingdom or the Commissioners for executing the Office of Lord High Admiral shall by Writing under the Hand of the Secretary of the

If required by the Admiralty, Dock to be widened.

the Admiralty so require, it shall be lawful for the said Commissioners of *Greenwich* Hospital and they are hereby required to widen the said Dock so as to make the same of a Width not exceeding Sixty Feet.

Landing Stairs to be constructed according to Plan to be approved by the Admiralty.

V. And be it enacted, That the said Commissioners of *Greenwich* Hospital shall and they are hereby required to construct at the West End of *Brewhouse Lane* good and sufficient Landing Stairs, according to such Plan as shall be approved of by the Lord High Admiral or by the Commissioners for executing the Office of Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, such Approval to be signified in Writing under the Hand of the Secretary of the Admiralty.

Works in the Thames to be approved by the Corporation of London.

VI. And be it enacted, That all Works to be executed under the Authority of this Act in or connected with the River *Thames* shall be constructed according to a Plan to be approved by the Mayor, Aldermen, and Commons of the City of *London* in Common Council assembled, and to be deposited at the Office of the Town Clerk of the said City, and that such Works shall be executed and performed to the Satisfaction of the Clerk of the Works for the Time being employed in the *Thames* Navigation.

Power to widen Billingsgate Street.

VII. And be it enacted, That the said Commissioners of *Greenwich* Hospital shall be and they are hereby empowered to improve, widen, and enlarge the said Street called *Billingsgate Street*, in the Parish of *Greenwich* aforesaid, from the Point where the same joins *Church Street* to the South up to and so as to form a good Carriage Communication between *Church Street* and *Billingsgate Dock* as aforesaid, when so widened and improved; and such Street shall be so widened and improved within the Limits shown on the Plans aforesaid, so as to be of an uniform Width of not less than Forty Feet from the Point where such Improvements are commenced to where the same will join and communicate with the said *Billingsgate Dock*.

Footpath to be formed at West End of Brewhouse Lane.

VIII. And be it enacted, That in improving and widening the said *Billingsgate Dock* and *Billingsgate Street* the said Commissioners of *Greenwich* Hospital shall contemporaneously form, make, and construct a Footway or Footpath of a Width not less than Six Feet, for the Use of the Public, from the West End Corner of *Brewhouse Lane* along the Eastern Side of the Wall or Boundary of the said Dock, when altered and widened, up to and entering *Billingsgate Street* aforesaid; and such Footpath or Footway shall be flagged, paved, and put in good Order, and convenient for the public Use, at the Expense of the said Commissioners.

IX. And

IX. And be it enacted, That the said Commissioners of *Greenwich* Hospital shall also form, make, and construct a Footpath or Footway, for the Use of the Public, of an uniform Width of not less than Twelve Feet, to commence and form a Junction with the present Footpath running in front of the said Hospital on the Banks of the River *Thames*, and thence along the South Side of the *Greenwich Pier*, in the Direction shown on the said Plans, into *King William Street* aforesaid; and such Footpath or Footway shall be flagged, paved, and put in good Order, and convenient for the public Use, at the Expense of the said Commissioners.

Footpath to be formed along the South Side of the Greenwich Pier.

X. And be it enacted, That in making the said Alterations and Improvements it shall be lawful for the said Commissioners of *Greenwich* Hospital and their Successors, and they are hereby empowered, when they shall deem it necessary, within Five Years from the passing of this Act, to treat and agree for the Purchase of any of the Houses, Buildings, Lands, Tenements, and Hereditaments mentioned and comprised in the Schedule to this Act annexed, and of any subsisting Leases, Terms, Estates, and Interests therein or Charges thereon, which the said Commissioners or their Successors may deem necessary or expedient to be purchased for the Purposes of this Act.

Power to purchase Houses, Lands, &c.

XI. And be it enacted, That the said Plans and Sections and Book of Reference herein-before mentioned shall remain in the Custody of the said Clerk of the Peace for the County of *Kent*, or his respective Deputy for the Time being; and that all Persons shall at all seasonable Times have Liberty to inspect and peruse the same, and to make Copies thereof or Extracts therefrom, at their Will and Pleasure, paying to the said Clerk of the Peace or his Deputy the Sum of One Shilling each for such Inspection, and after the Rate of Sixpence for every One hundred Words of every such Copy or Extract.

Custody and Inspection of Plans, Sections, and Book of Reference.

XII. And for the Purpose of making Provision for correcting any Omission, Mis-statement, or erroneous Description of any of the said Houses, Buildings, Lands, Tenements, and Hereditaments, or of the Owners, Lessees, or Occupiers thereof, on the said Plans, or in the said Schedule hereto, be it enacted, That it shall be lawful for the Commissioners of *Greenwich* Hospital, after giving Ten Days Notice to the said Owners, Lessees, or Occupiers affected by such proposed Correction, to apply to Two Justices for the Correction thereof; and if it shall appear to such Justices that such Omission, Mis-statement, or erroneous Description arose from Mistake, they shall certify the same accordingly, and they shall in such Certificate state the Particulars

Errors and Omissions may be corrected.

culars of such Omissions, and in what respect any such Matter shall have been mis-stated or erroneously described; and such Certificates shall be deposited with the said Clerk of the Peace, and with the Parish Clerk of the Parish in which the said Houses, Buildings, Lands, Tenements, and Hereditaments affected thereby shall be situate; and such Certificate shall be kept by such Clerk of the Peace and Parish Clerk along with the other Documents to which they relate; and thereupon such Documents shall be deemed to be corrected according to such Certificate, and it shall be lawful for the said Commissioners to execute the said Works according to such Certificate.

Copies to be Evidence.

XIII. And be it enacted, That true Copies of such Plans and Sections and Book of Reference, or of any Correction thereof or Extracts therefrom, certified by the said Clerk of the Peace, which Certificate such Clerk of the Peace shall give to all Persons when required, shall be received in all Courts of Justice or elsewhere as Evidence of the Contents thereof.

Extending Provisions of Lands Clauses Act to this Act.

XIV. And be it enacted, That the several Provisions of the Lands Clauses Consolidation Act, 1845, shall, so far as the same may be applicable to and are not inconsistent with or modified by the Provisions of this Act, be incorporated with and form Part of this Act, and shall be applicable to the Purposes thereof.

Powers given to Commissioners to apply to Purchases already made, as well as to Purchases to be made.

XV. And be it enacted, That the Powers and Authorities by this Act given to the said Commissioners of *Greenwich* Hospital and their Successors for the Purchase of the Houses, Buildings, Lands, Tenements, and Hereditaments mentioned and comprised in the said Schedule to this Act annexed shall apply as well to any Purchases already made or agreed to be made as to such as shall hereafter be made under the Provisions of this Act.

Power to arch over Drains, &c.

XVI. And be it enacted, That it shall be lawful for the said Commissioners of *Greenwich* Hospital and their Successors, and they are hereby authorized and empowered, in making the Alterations and Improvements in the *Billingsgate Dock* and *Billingsgate Street* aforesaid, to cause to be arched over or filled up any Sewer or Drain, or Part or Parts thereof, which shall lie and be in or near the said Dock or Street, so as that no public Sewer or Drain whatsoever, or any private Drain, shall be in anywise disturbed, injured, or prejudiced without another Drain or Sewer being made in lieu thereof equally serviceable and convenient to the Individual or Neighbourhood; provided always, that at the Time of filling up any Sewer or Drain, or Part thereof, the said Commissioners of *Greenwich* Hospital or

their Successors shall cause to be made and built other good and sufficient Sewers and Drains of the same or greater Size or Capacity, and upon the same or lower Levels than the Sewers or Drains which shall be filled up: Provided always, that no such arching over or filling up of any Sewer, Drain, or Watercourse shall be made or done, and no Work whatever to any Sewer, Drain, or Watercourse shall be done, without the previous Sanction of the Metropolitan Commissioners of Sewers; and in arching over or filling in any new Sewer, Drain, or Watercourse, or in doing any other Work affecting Sewers, Drains, or Watercourses, the said Commissioners of *Greenwich* Hospital and their Successors shall abide by the Orders and Regulations which the said Metropolitan Commissioners of Sewers may make; and when any Works shall be so made or done, they, and all Sewers, Drains, and Watercourses altered, made new, or affected, shall remain subject to the Control and Jurisdiction of the said Metropolitan Commissioners of Sewers.

No such arching over, &c. to be done without the Sanction of the Metropolitan Commissioners of Sewers.

XVII. Provided always, and be it enacted, That when the said Dock called the *Billingsgate Dock* shall have been enlarged, widened, deepened, and improved, and the Landing Places, Landing Stairs, Approaches, and other Works and Conveniences shall have been completed in manner herein-before provided, the Land or Ground which shall be laid into the said Dock shall form and thenceforth for ever thereafter be Part of the same Dock; and the said Dock so enlarged, widened, and improved shall continue and remain a public Dock, and the Public shall thenceforth have the same Enjoyment thereof, and of the said Landing Places, Landing Stairs, Approaches, and other Works and Conveniences, and have and be subject to the same Rights, Liberties, Privileges and Restrictions, Dues and Payments, in using the same, as they have heretofore had or enjoyed or been subject to, or now have or enjoy or are subject to, in using the said Dock in its present State; and the said Dock so enlarged, widened, and improved, with the Landing Places, Landing Stairs, Approaches, and other Works and Conveniences, shall be repaired and kept in repair in the same Manner as the said Dock as now used is repaired and kept in repair.

After Enlargement of Billingsgate Dock, same to be a public Dock.

XVIII. Provided always, and be it enacted, That when the said Street known as *Billingsgate Street* shall have been widened and improved in manner herein-before provided, the Land or Ground which shall be laid into the said Street shall form and thenceforth for ever thereafter be Part of the same Street; and the said Street so widened and improved shall continue and remain a public Highway to all Intents and Purposes; and when the said Footpaths or Footways herein-before provided to be formed and made shall have been formed and made, the

After Enlargement of Billingsgate Street and Footways, same to be a public Highway and Footways.

the said Footpaths or Footways shall be and thenceforth for ever thereafter continue and remain public Paths or Ways; and the said Street and Footpaths or Footways shall be and be subject to the like Restrictions, Provisions, Powers, Liberties, Privileges, Matters, and Things, both parliamentary and parochial, to which any other of the existing Highways within the Parish of *Greenwich* aforesaid, not being Turnpike Roads, are now subject.

Ship Dock, Ship Stairs, and Fisher Lane not to be stopped up till Billingsgate Dock and Billingsgate Street are widened and Footpaths formed.

XIX. And be it enacted, That it shall not be lawful for the said Commissioners of *Greenwich* Hospital to take possession of the said Dock or Landing Place known as the *Ship Dock* and *Ship Stairs*, or so much thereof as is now public Property, or to stop up the said Lane or Road called *Fisher Lane*, until after the said Commissioners shall have caused the said Dock known as the *Billingsgate Dock* to be enlarged, widened, deepened, and improved, and the said Street called *Billingsgate Street* to be widened and improved, and the said Footpaths or Footways to be formed and made, in manner hereinbefore provided.

Saving Rights of the Corporation of London.

XX. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to prejudice or derogate from the Estates, Rights, Interests, Liberties, Privileges, or Franchises of the Mayor and Commonalty and Citizens of the City of *London* or their Successors, or the Lord Mayor of the said City for the Time being, or to prohibit, defeat, alter, or diminish any Power, Authority, or Jurisdiction which at the Time of passing this Act the said Mayor and Commonalty and Citizens, or the said Lord Mayor for the Time being as Conservator of the River *Thames*, or otherwise, did or might lawfully claim, use or exercise.

Public Act.

XXI. And be it enacted, That this Act shall be deemed to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

The

The SCHEDULE to which this Act refers.

Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
A House and Premises at the Corner of Church Street and Billingsgate Street.	John Francis Martin -	- - -	James Stewart Gardiner.
A House and Premises on the West Side of Church Street.	Ditto - -	- - -	Jane Blackmore.
Another ditto, ditto -	Ditto - -	- - -	Stephen Norrie.
Another ditto, ditto -	Alexander Galloway	- - -	John Beere.
Another ditto, ditto -	A. Sirdefield -	Thomas Bell -	William Thomas.
Another ditto, ditto -	Joshua Hargrave -	Ditto -	Thomas Bell.
A House and Premises, known as the "Ship and Sailor" Public House, on the West Side of Church Street.	George Martin Bird -	Samuel Pratt, Administrator of the Goods, Chattels, and Effects of Robert Pratt, deceased..	Edward Thomas Phillips.
A House and Premises on the West Side of Church Street.	Charles King -	- - -	—— Davis, —— Parker, and Thomas Tyler.
A House and Premises on the East Side of Billingsgate Street.	George Martin Bird -	Samuel Pratt, Administrator of the Goods, Chattels, and Effects of Robert Pratt, deceased.	Edward Thomas Phillips, Mary O'Niel, Charles Murry, James Steward, and William Pilgrim.
Another ditto, ditto -	Alfred Rhodes Bristow	- - -	Thomas Newland.
A House and Premises in a Court by the Side of the last-mentioned Premises.	Ditto - -	- - -	Joseph Young.
Another House and Premises in a Court adjoining the last-mentioned Premises.	George Martin Bird -	Samuel Pratt, Administrator of the Goods, Chattels, and Effects of Robert, Pratt, deceased.	Edward Thomas Phillips and Thomas Tyler.
A Yard, Court, or Passage, used in common by the Tenants of the Three former Tenements.	George Martin Bird and Alfred Rhodes Bristow.	- - -	Thomas Tyler, Thomas Newland, Joseph Young, and Edward Thomas Phillips.
A House and Premises on the East Side of Billingsgate Street.	John Rayley -	- - -	Richard Jones.
Another ditto, ditto -	Ditto - -	- - -	Mary Ann Welsh.
Another ditto, ditto -	Benjamin Lance -	- - -	Unoccupied.
Part of a Court or Passage, called Dark Entry, leading from the West Side of Church Street to the East Side of Billingsgate Street.	The Surveyor of Highways of the Parish of Greenwich, John Rayley, Benjamin Lance, William Garrett, William Stevens, and Robert Wood, Executors under the Will of John Field, deceased, Isaac Walker, Edwin Walker, and Joseph Funge, or some or one of them.	—	—

Greenwich Hospital Improvement.

Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
A House and Premises situate on the South Side of the Court or Passage called Dark Entry.	John Rayley - -	- - -	Unoccupied.
A House and Premises, known as the Sugar Loaf Public House, situate on the East Side of Billingsgate Street.	William Garrett, William Stevens, and Robert Wood, Executors under the Will of John Field, deceased, as to Three Sixths, Isaac Walker and Edwin Walker as to Two Sixths, and Joseph Funge as to One Sixth.	- - -	Catherine Jane Stockwell.
A House and Premises adjoining the last-mentioned Premises.	James Richard Watts	- - -	Catherine Jane Stockwell and William Bishop.
A Shed or Warehouse on the South Side of a certain Passage or Way leading to a Yard called Field's Yard, situate on the East Side of Billingsgate Street.	William Garrett, William Stevens, and Robert Wood, Executors under the Will of John Field, deceased.	- - -	Unoccupied.
A Yard situate on the East Side of Billingsgate Street and forming Part of Field's Yard.	Sabrina Susannah Parker and Charles Rowland Frederick Parker, Trustees under the Will of Charles Rowland Parker, deceased.	William Garrett, William Stevens, and Robert Wood, Executors under the Will of John Field, deceased.	John Jones.
A House and Premises situate on the East Side of a Court or Passage called Coomes Court, leading from the South Side of Brewhouse Lane to the North-east Side of Billingsgate Street.	Ditto - -	Sarah Stockwell -	William Penfold.
A House and Premises adjoining the last-mentioned Premises.	Francis Stevens -	- - -	Richard Hayes.
Another ditto, ditto -	Ditto - -	- - -	Thomas Short.
A Privy and Wash-house adjoining the last-mentioned Premises, and used in common by the Occupiers of the Two last-mentioned Premises.	Ditto - -	- - -	Richard Hayes and Thomas Short.
A House and Premises adjoining the last-mentioned Premises.	Ditto - -	- - -	John Slaughter.
Another - ditto - ditto, situate on the West Side of the said Court or Passage called Coomes Court.	William Norrie -	- - -	Henry Page and Joseph Rand.
A House and Premises adjoining the last-mentioned Premises.	Ditto - -	- - -	Henry Page, —— Woolf, —— Stapleton, and —— Glover.

Greenwich Hospital Improvement.

Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
A House and Premises, situate in Maiden Row, on the North-east Side of Billingsgate Street.	Sarah Shepherd -	- - -	Edward Lewer.
Another ditto, ditto -	Ditto - -	- - -	Sarah Dale.
Another ditto, ditto -	Ditto - -	- - -	Ellen Rowland.
Another ditto, ditto -	Ditto - -	- - -	James Taylor.
Another ditto, ditto -	Ditto - -	- - -	Francis Winter.
A House and Premises situate on the East Side of Billingsgate Dock.	William Norrie -	- - -	—— Davis, —— Duncan, and —— Cooper.
Another House and Premises situate in the Rear of the last-mentioned Premises.	Ditto - -	- - -	—— Savage.
A House, Passage, and Premises on the East Side of Billingsgate Dock.	Ditto - ..	- - -	Unoccupied.
A Piece or Parcel of Ground adjoining the last-mentioned Premises.	Ditto - -	- - -	Ditto.
A House and Premises adjoining the last-mentioned Piece or Parcel of Ground.	Ditto - -	- - -	—— Ellis, —— Turner, —— Clarke, and —— Perry.
A Warehouse and Premises adjoining the last-mentioned Premises.	Thomas Smith -	- - -	Thomas Smith.
A House and Premises situate on the South Side of Brewhouse Lane.	William Robert Huntley.	- - -	Samuel Law.
A House and Premises situate in a Court at the Rear of the above-mentioned Piece or Parcel of Ground.	William Norrie -	- - -	—— Robinson.
A Court or Passage with Well, situate in the Rear of Houses in Maiden Row, and used in common by all the Tenants of the said William Norrie.	Ditto - -	- - -	Henry Page, Joseph Rand, —— Woolf, —— Stapleton, —— Glover, —— Davis, —— Duncan, —— Cooper, —— Savage, —— Ellis, —— Turner, —— Clarke, —— Perry, and —— Robinson.
A House and Premises situate on the North Side of Brewhouse Lane.	Benjamin Smith, Thomas Calvert Morton, and William Chaplin.	- - -	Unoccupied.
Another ditto - ditto adjoining the last-mentioned Premises.	Ditto - -	- - -	Ditto.
Part of a certain Way, Court, or Passage called Brewhouse Lane.	The Surveyor of Highways of the Parish of Greenwich.	—	——
Part of a certain other Way, Court, or Passage called Coomes Court.	Ditto.	—	——

Greenwich Hospital Improvement.

Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
A covered Way, Court, or Passage situate on the East Side of Billingsgate Dock, and extending from the South Side of Brewhouse Lane to the North-east Side of Billingsgate Street.	The Surveyor of Highways of the Parish of Greenwich.	——	——
A Piece or Parcel of Ground	William Norrie -	- - -	Unoccupied.
Out-houses and Privies used in common by the Occupiers of all the Premises belonging to the said William Norrie.	Ditto - -	- - -	Henry Page, Joseph Rand, —— Woolf, —— Stapleton, —— Glover, —— Davis, —— Duncan, —— Cooper, —— Savage, —— Ellis, —— Turner, —— Clarke, —— Perry, and —— Robinson.
A Draw-dock or Landing-place known as Billingsgate Dock, situate on the North Side of Billingsgate Street.	The Lords Commissioners for executing the Office of Lord High Admiral, the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, the Mayor, Commonalty, and Citizens of the City of London, the Surveyor of Highways of the Parish of Greenwich, and the Trustees of Morden College, or some or one of them.	——	——
A Warehouse or Shed situate on the North Side of Billingsgate Street.	The Trustees of Morden College.	Robert Walter -	Robert Walter.
Another ditto, ditto -	Ditto - -	Ditto -	Ditto.
Another ditto, ditto -	Sir Richard Hughes, Baronet.	Edward Heneage Coltman.	Charles Francis the elder, Charles Francis the younger, Alfred Francis, and Arthur Francis.
Another ditto, ditto -	Ditto - -	Ditto -	Ditto.
Another ditto, ditto -	Ditto - -	Ditto -	Ditto.
A House and Premises known as the "Ship Torbay" Public House, situate on the East Side of King William Street.	The Commissioners of Greenwich Hospital.	George Matthew Hoare, Frederick Woodbridge, and Henry James Hoare, and Elizabeth Godsell, Executrix of the Will of Thomas Godsell, deceased.	Elizabeth Godsell.
A Piece or Parcel of Land or Ground, forming Part of the Greenwich Pier.	The Greenwich Pier Company.	- - -	The Greenwich Pier Company.

Greenwich Hospital Improvement.

Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
A Draw-dock or Landing-place known as the Ship Dock.	The Lords Commissioners for executing the Office of Lord High Admiral, the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, the Mayor and Commonalty and Citizens of the City of London, the Commissioners of Greenwich Hospital, and the Surveyor of Highways of the Parish of Greenwich, or some or one of them.	—	—
A public Ferry, Landing-place, and Stairs, known as the Ship Stairs.	The Lords Commissioners for executing the Office of Lord High Admiral, the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, the Mayor and Commonalty and Citizens of the City of London, the Master, Warden, and Commonalty of Watermen and Lightermen of the River Thames, and the Surveyor of Highways of the Parish of Greenwich, or some or one of them.	—	—
A Road or Highway extending from the East Side of King William Street to the West Side of the Western Boundary of Greenwich Hospital, formerly Part of Fisher Lane.	The Surveyor of Highways of the Parish of Greenwich.	—	—
A House and Premises situate on the West Side of a Street or Way called High Bridge.	Thomas Heriot -	- - -	Robert Stroud, Jane King, and Mary Goodenough.
Another ditto, ditto -	Ditto - -	- - -	Daniel Grantham and ——— Atkins.
Another ditto, ditto -	Sarah Shepherd -	- - -	William Garrett, Ann Middleton, Phœbe Scott, John Young, John Tolson, Peter Peters, and Mary Slater.
A House situate in a Court behind the last-mentioned House.	Ditto - -		Richard Pinkham and John Dockerty.

Greenwich Hospital Improvement.

Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
Outbuildings, Yard, and Passage used in common by the Tenants of the Two last-mentioned Houses.	Sarah Shepherd -	- - -	William Garrett, Ann Middleton, Phœbe Scott, John Young, John Tolson, Peter Peters, Mary Slater, Richard Pinkham, and John Dockerty.
A House and Premises situate on the West Side of High Bridge.	Jeremiah Bell, Joseph Allen, Mary Ann Graham, and George Graham, Executors under the Will of George Graham, deceased.	- - -	Bridget Small, Mary Langsdown, Mary Chapman, Jesse Moon, and John Twycross.
Another ditto, ditto -	Ditto - -	- - -	Phœbe Pepper, Edward Shadbolt, James Simons, Ann Wormhold, and Elizabeth Smith.
Another ditto, ditto -	John Tauzia Savary -	George Law -	—— Smith, —— Bruin, —— Mahoney, —— Bickley, —— Henry, and —— Harper.
Another ditto, ditto -	Ditto - -	Ditto - -	—— Mackbean, —— —— Burns, —— Sullivan, —— Berry, —— Wright, —— Mercer, and —— Ryley.
Another ditto, ditto -	Ann Irwin - -	- - -	Susan Blake, Elizabeth Wheeler, and Maria Hart.
A House and Premises situate in a Court behind the Three last-mentioned Tenements.	John Tauzia Savary -	George Law -	—— Robson.
Another ditto, ditto -	Ditto - -	Ditto - -	—— Pickett.
Another ditto, ditto -	Ditto - -	Ditto - -	—— Calney.
A Shed adjoining the last-mentioned House and Premises.	Ditto - -	Ditto - -	George Law.
Another House situate in the last-mentioned Court.	Ditto - -	Ditto - -	—— Ryley.
Another ditto, ditto -	Ditto - -	Ditto - -	—— Macarty.
Another ditto, ditto -	Ditto - -	Ditto - -	—— Boxer.
Outbuildings, Yard, and Passage used in common by all the Tenants of the said George Law.	Ditto - -	Ditto - -	—— Smith, —— Bruin, —— Mahoney, —— Bickley, —— Henry, —— Harper, —— —— Mackbean, —— —— Burns, —— Sullivan, —— Berry, —— Wright, —— Mercer, —— Ryley, —— Robson, —— Pickett, —— Calney, George Law, —— Ryley, —— Macarty, and —— Boxer.
A House and Premises on the West Side of High Bridge.	Ann Irwin - -	- - -	John Lee, Katherine Turner, and —— Davis.

Greenwich Hospital Improvement.

Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
A House and Premises on the West Side of High Bridge.	Lawrence Levy -	- - -	Unoccupied.
Another ditto, ditto -	Jeremiah Bell, Joseph Allen, Mary Ann Graham, and George Graham, Executors under the Will of George Graham, deceased.	- - -	Henry Charles Austen, Mary Sawyer, and John George, Charles Crawford, Ann Wood, and Richard Fuller.
Another ditto, ditto -	Ditto - -	- - -	Joseph Parsons, James Murdock, William Newman, John Webb, Alexander Dryden, and John Prior.
Another ditto, ditto -	Ditto - -	- - -	William Whitaker, John Conway, Elizabeth Smith, Margaret Clarke, and Thomas FitzGerald.
Outbuildings, Yard, and Passage used in common by the Tenants of the Three preceding Houses.	Ditto - -	- - -	Henry Charles Austen, Mary Sawyer, John George, Charles Crawford, Ann Wood, Richard Fuller, Joseph Parsons, James Murdock, William Newman, John Webb, Alexander Dryden, John Prior, William Whitaker, John Conway, Elizabeth Smith, Margaret Clarke, and Thomas Fitzgerald.
A House and Premises on the West Side of High Bridge.	Benjamin Lance -	- - -	—— Grover.
A Shed adjoining the last-mentioned Premises.	Ditto - -	- - -	Ditto.
Another Shed on the West Side of High Bridge.	Thomas John Crowder Armstrong.	- - -	Thomas John Crowder Armstrong.
A House at the Corner of the West Side of High Bridge and South Side of Crane Street.	William Emerson Sanderson.	John Sanderson -	Emma Blake, William Hall, and Robert Langley.
A House on the South Side of Crane Street.	Ditto - -	Ditto - -	Susan Lunn and Mary Smart.
Another ditto, ditto -	Ditto - -	Ditto - -	Charlotte Thompson, Katherine Burton, Widow Pendle, William Wood, and Elizabeth Ward.
Another ditto, ditto -	Ditto - -	Ditto - -	Benjamin Hawkins, Ann Davis, John Field, John Sutton, Archbald Bowen, Thomas Nightingale, and —— Newbury.
Another ditto, ditto -	Ditto - -	Ditto - -	George Edwards, John Elderson, Elizabeth Austen, James Brown, and John Matson.
Another ditto, ditto -	Ditto - -	Ditto - -	John Sanderson.

Greenwich Hospital Improvement.

Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
A House situate in a Court behind the Four preceding Houses.	William Emerson Sanderson.	John Sanderson -	James Kilner.
Another ditto, ditto -	Ditto - -	Ditto - -	John Gidney and John Waller.
Another ditto, ditto -	Ditto - -	Ditto - -	George Seaton and John Sturgeon.
Another ditto, ditto -	Ditto - -	Ditto - -	Edward Batchley and James Reed.
Outbuildings, Yard, and Passage used in common by the Tenants of the Nine preceding Houses.	Ditto - -	Ditto - -	Susan Lunn, Mary Smart, Charlotte Thompson, Katherine Burton, Widow Pendel, William Wood, Elizabeth Ward, Benjamin Hawkins, Ann Davis, John Field, John Sutton, Archbald Bowen, Thomas Nightingale, —— Newbury, George Edwards, John Elderson, Elizabeth Austen, James Brown, John Matson, John Sanderson, James Kilner, John Gidney, John Waller, George Seaton, John Sturgeon, Edward Batchley, and James Reed.
A Piece or Parcel of Ground situate on the South Side of Crane Street.	Ann Bean - -	- - -	Unoccupied.
A House and Premises on the South Side of Crane Street.	Mary Ann Smith -	Mary Ann Gibbons	—— Mallett, —— Thorne, Henry Beauff, Robert Jackson senior, and Robert Jackson junior.
Another ditto, ditto -	Christiana Pell Winkworth.	- - -	Christiana Pell Winkworth.
A House situate in a Court behind the last-mentioned Premises.	Ditto - -	- - -	John Boy.
Another ditto, ditto -	Ditto - -	- - -	—— Green.
Another ditto, ditto -	Ditto - -	- - -	William Beal.
Another ditto, ditto -	Ditto - -	- - -	Mary Hart and Helen Smith.
Outbuildings, Yard, and Passage used in common by the Tenants of the Five preceding Houses.	Ditto - -	- - -	Christiana Pell Winkworth, John Boy, —— Green, William Beal, Mary Hart, and Helen Smith.
A Piece or Parcel of Ground situate on the South Side of Crane Street.	Ann Phillips -	- - -	Ann Phillips.

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CAP. XXV.

An Act to enable Queen's Counsel and others, not being of the Degree of the Coif, to act as Judges of Assize. [25th *June* 1850.]

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That any Person being One of Her Majesty's Counsel learned in the Law, or being a Barrister at Law having a Patent of Precedence, may be named in any Commission for the Despatch of Civil or Criminal Business at any County or Place or upon any Circuit in *England* and *Wales*, or either of them, although such Person be not of the Degree of the Coif; and any such Person shall and may, under any Commission in which he shall be so named, be and act as a Judge or Commissioner of Assize, as fully to all Intents and Purposes as if, at the Time of the issuing of such Commission, and since, he had been of the Degree of the Coif; any Law, Custom, or Usage to the contrary notwithstanding.

Queen's Counsel, and Barristers having Patents of Precedence, although not of the Degree of the Coif, may act as Judges of Assize.

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Jurisdiction given to the High Court of Admiralty and all Vice Admiralty Courts.

II. And be it enacted, That whenever any of Her Majesty's Ships or Vessels of War, or hired armed Vessels, or any of the Ships or Vessels of War of the *East India* Company, or their Boats, or any of the Officers and Crews thereof, shall, after the said First Day of *June*, attack or be engaged with any Persons alleged to be Pirates, afloat or ashore, it shall be lawful for the High Court of Admiralty of *England*, and for all Courts of Vice Admiralty in any Dominions of Her Majesty beyond the Seas, including those Courts of Vice Admiralty within the Territories under the Government of the *East India* Company, to take Cognizance of and to determine whether the Persons or any of them so attacked or engaged were Pirates, and to adjudge what was the total Number of Pirates so engaged or attacked, specifying the Number of Pirates captured, and what were the Vessels and Boats engaged.

List or Return of all Cases to be sent to the Lords Commissioners of the Admiralty.

III. And be it enacted, That with a view to the Assignment of fitting Rewards for Services performed by Her Majesty's Forces against Pirates the Registrars of the several Vice Admiralty Courts shall, on the First Day of *January* and First Day of *July* in every Year, transmit to the said Lords Commissioners of the Admiralty a List or Return of all Cases which shall have been adjudged in the said Courts respectively under this Act during the Six Months preceding, together with the Dates of the Seizure, according to the Schedule marked (A.) to this Act annexed; and that the Judges or Registrars of the said Courts respectively shall, upon the first convenient Opportunity after every such Decision, transmit the whole of the original Evidence, with a Statement of the Proceedings, to the said Lords Commissioners of the Admiralty, for the Purpose of the same being deposited in the High Court of Admiralty of *England* for Reference when necessary; and all Agents of Officers and Men receiving any Rewards hereinbefore referred to shall be subject to the same Laws, Rules, and Regulations to which Agents receiving Bounty for the Abolition of the Slave Trade are or may be subject.

Rewards for Services against Pirates by Vessels in the East India Company's Service.

IV. And be it enacted, That, with a view to the Assignment of fitting Rewards by the Court of Directors of the *East India* Company for Services performed by the Ships or Vessels of the said Company against Pirates, in all Cases wherein any Ships or Vessels of War belonging to the said Company shall be engaged in any Operations against Pirates, the Registrar of the said Vice Admiralty Courts shall, on the Days aforesaid, transmit to the said Court of Directors a similar List or Return of all such Cases which shall have been adjudicated in the said Courts respectively under this Act.

Property of Her Majesty's Subjects.

V. And be it enacted, That all Ships, Vessels, Boats, Goods, Merchandize, Specie, or other Property taken possession of from Pirates

Pirates by any of Her Majesty's Ships or Vessels of War, or hired armed Vessels, or the Ships or Vessels of War of the *East India* Company, or their Boats, or any of the Officers and Crews thereof, shall and may be proceeded against in any of the Admiralty Courts before mentioned, and be subject and liable to Condemnation as Droits and Perquisites of Her Majesty in Her Office of Admiralty: Provided always, that if any Part of the said Property shall be duly proved to have belonged to and to have been taken from any of Her Majesty's Subjects, or from the Subjects of any Foreign Power, then such Property and every Part thereof shall, by the Decree of the said Court, be adjudged to be restored, and shall be accordingly restored to the former Owner or Owners, Proprietor or Proprietors thereof respectively, he or they paying for or in lieu of Salvage a Sum of Money equal to One Eighth Part of the true Value, which Money, if such Property shall have been taken by any of Her Majesty's Ships or Vessels of War or hired armed Ships, or their Boats, shall be paid to and divided and distributed amongst the Officers and Crews thereof, in such Manner, Form, and Proportion, as other Bounties are now distributable by virtue of Her Majesty's Proclamation or Order in Council dated the Thirtieth Day of *July* One thousand eight hundred and forty-nine, or as Her Majesty, Her Heirs and Successors, shall from Time to Time by any further Proclamation or Order or Orders in Council think fit to declare and direct; and which Money, if such Property shall have been taken by any of the Ships or Vessels of War of the *East India* Company, or their Boats, shall be paid to and divided and distributed amongst the Officers and Crews thereof, in such Manner, Form, and Proportion as the Court of Directors of the *East India* Company shall at any Time or from Time to Time direct; but if such Property shall have been a joint Capture by any of Her Majesty's Ships or Vessels of War, or hired armed Ships, or their Boats, and any of the Ships or Vessels of War of the said Company, or their Boats, then such Money in lieu of Salvage shall be divided and distributed amongst the joint Captors in such Manner, Form, and Proportion as the Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, or the Commissioners for executing the Office of Lord High Admiral of the United Kingdom, shall at any Time or Times order and direct.

found in possession of Pirates to be restored on Payment of One Eighth of Value.

VI. And be it enacted, That every Person who shall wilfully and corruptly give false Evidence in any Examination or Deposition had or Affidavit taken in any Proceeding under this Act shall be deemed guilty of Perjury, and being thereof convicted shall be subject and liable to all the Punishments, Pains, and Penalties to which Persons convicted of wilful and corrupt Perjury are liable; and every such Person

Persons giving false Evidence deemed guilty of Perjury.

Person may be tried for any such Perjury either in the Place where the Offence was committed or in any Colony or Settlement of Her Majesty near thereto in which there is a Court of competent Jurisdiction to try any such Offence, or in Her Majesty's Court of Queen's Bench in *England*; and that in case of any Prosecution for such Offence in Her Majesty's said Court of Queen's Bench the Venue may be laid in the County of *Middlesex*.

This Act may be amended, &c.

VII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

SCHEDULE (A.) referred to by this Act.

Date of Attack or Destruction.	Property seized, if any.	Names of attacking Ships.	Date of Sentence.	Decretal Part of Sentence.	Whether any Property has been condemned, and sold or converted, and whether any Part remains unsold, and in whose Hands the Proceeds remain.

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VICTORIÆ REGINÆ.

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and by the said Act so passed as aforesaid it was also enacted, that whenever any of Her Majesty's Ships or Vessels of War, or hired armed Vessels, or any of the Ships or Vessels of War of the *East India* Company, or their Boats, or any of the Officers or Crews thereof, should after the said First Day of *June* attack or be engaged with any Persons alleged to be Pirates, afloat or ashore, it should be lawful for the High Court of Admiralty, and for the Courts of Vice Admiralty therein mentioned, to take cognizance of and to determine the Matters in the said Act mentioned: And whereas the Bill which became the said Act so passed as aforesaid was originally introduced in the House of Commons, and having passed that House was amended by the Lords, and was returned to the Commons for their Agreement to the Amendments: And whereas the Commons agreed to some of the said Amendments, but disagreed to One of the said Amendments and amended another thereof, and communicated their Amendment and Disagreement and the Reason for such Disagreement to the Lords at a Conference on the Twenty-eighth Day of *May* One thousand eight hundred and fifty: And whereas the Lords did not take the said Reason and Amendments into consideration until the Twenty-first Day of *June* One thousand eight hundred and fifty, when they finally agreed to the said Amendment of the Commons, and resolved not to insist upon the Amendment to which the Commons had disagreed; and accordingly the said Act received the Royal Assent on the Twenty-fifth Day of *June* One thousand eight hundred and fifty: And whereas by reason of the said Act not having received the Royal Assent until the said Twenty-fifth Day of *June* One thousand eight hundred and fifty, the herein-before recited Enactments will not take effect until the First Day of *June* One thousand eight hundred and fifty-one: And whereas such Postponement of the Operation of the said Enactments was not within the Contemplation of either House of Parliament when they respectively passed the said Act, but has arisen accidentally from the Delay occasioned by the Proceedings herein-before mentioned; and it is expedient that the said Enactments should be made to take effect as if the First Day of *June* One thousand eight hundred and fifty had been therein mentioned instead of the First Day of *June* next after the passing of the said recited Act: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Act of the present Session of Parliament shall take effect as if the First Day of *June* One thousand eight hundred and fifty had been therein mentioned and referred to instead of the First Day of *June* next after the passing of such Act.

1st June 1850 to be substituted in recited Act for 1st June next after the passing of such Act.

II. And

II. And be it enacted, That this Act may be repealed or amended in the present Session of Parliament. Act may be amended, &c.

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Use, or as a Schoolhouse, with Schoolmaster's House, Garden, and Playground, or as a College, Academy, or Seminary, with or without Grounds for Air, Exercise, or Recreation, or as a Hall or Rooms for the Meeting or Transaction of the Business of such Congregation or Society or Body of Persons, and wherever the Conveyance, Assignment, or other Assurance of such Property has been or may be taken to or in favour of a Trustee or Trustees to be from Time to Time appointed, or of any Party or Parties named in such Conveyance, Assignment, or other Assurance, or subject to any Trust for the Congregation or Society or Body of Persons, or of the Individuals composing the same, such Conveyance, Assignment, or other Assurance shall not only vest the Freehold, Leasehold, Copyhold, or Customary Property thereby conveyed or otherwise assured in the Party or Parties named therein, but shall also effectually vest such Freehold, Leasehold, Copyhold, or Customary Property in their Successors in Office for the Time being and the old continuing Trustees, if any, jointly, or if there be no old continuing Trustees, then in such Successors for the Time being wholly, chosen and appointed in the Manner provided or referred to in or by such Conveyance, Assignment, or other Assurance, or in any separate Deed or Instrument declaring the Trust thereof, or if no Mode of Appointment be therein set forth, prescribed, or referred to, or if the Power of Appointment be lapsed, then in such Manner as shall be agreed upon by such Congregation or Society or Body of Persons, upon such and the like Trusts, and with, under, and subject to the same Powers and Provisions, as are contained or referred to in such Conveyance, Assignment, or other Assurance, or in any such separate Deed or Instrument, or upon which such Property is held, and that without any Transfer, Assignment, Conveyance, or other Assurance whatsoever, anything in such Conveyance, Assignment, or other Assurance, or in any such separate Deed or Instrument, contained to the contrary notwithstanding: Provided always, that in case of any Appointment of a new Trustee or Trustees of or the Conveyance of the legal Estate in any such Property being made as heretofore was by Law required, the same shall be as valid and effectual to all Intents and Purposes as if this Act had not been passed.

Providing for Payment in lieu of Fines on Death or Alienation of Property of Copyhold or Customary Tenure.

II. And be it enacted, That where such Property shall be of Copyhold or Customary Tenure, and liable to the Payment of any Fine, with or without a Heriot, on the Death or Alienation of the Tenant or Tenants thereof, it shall be lawful for the Lord or Lady of the Manor of which such Property shall be holden, on the next Appointment of a new Trustee or Trustees thereof, and at the Expiration of every Period of Forty Years thereafter, so long as such Property shall belong to or be held in trust for such Congre-

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gation or Society or Body of Persons or other Party or Parties to whom such Property may have been or shall be conveyed for their Benefit, to receive and take a Sum corresponding to the Fine and Heriot, if any, which would have been payable by Law upon the Death or Alienation of the Tenant or Tenants thereof; and such Payments shall be in full of all Fines payable to the Lord or Lady of the Manor of which such Property is holden, while the same shall remain the Property or be held in trust for such Congregation or Society or Body of Persons; and the Lord or Lady of such Manor shall have all such Powers for the Recovery of such Sums as such Lord or Lady could have had in the event of the Tenant or Tenants of such Property having died or having alienated the same.

Appointment of new Trustees to be made appear by Deed.

III. And be it enacted, That for the Purpose of preserving Evidence of every such Choice and Appointment of a new Trustee or new Trustees, and of the Person and Persons in whom such Charitable Estates and Property shall so from Time to Time become legally vested, every such Choice and Appointment of a new Trustee or new Trustees shall be made to appear by some Deed under the Hand and Seal of the Chairman for the Time being of the Meeting at which such Choice and Appointment shall be made, and shall be executed in the Presence of such Meeting, and attested by Two or more credible Witnesses, which Deed may be in the Form or to the like Effect of the Schedule to this Act annexed, or as near thereto as Circumstances will allow, and may be given and shall be received as Evidence in all Courts and Proceedings in the same Manner and on the like Proof as Deeds under Seal, and shall be Evidence of the Truth of the several Matters and Things therein contained.

Act extended to Ireland.

IV. And be it enacted, That the Provisions of this Act shall extend to that Part of the United Kingdom called *Ireland*.

Act may be amended, &c.

V. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament, except so far as the contrary shall be made to appear.

SCHE-

SCHEDULE to which this Act refers.

MEMORANDUM of the Choice and Appointment of new Trustees of the [*describe the Chapel, School, or other Buildings and Property*] situate in the Parish [*or Township*] of in the County [*Riding, Division, City, or Place*] of at a Meeting duly convened and held for that Purpose [*in the Vestry of the said Chapel*] on the [*25th*] Day of [*April 1850*], *A.B.* of Chairman.

Names and Descriptions of all the Trustees on the Constitution or last Appointment of Trustees made the Day of

Adam Bell of
Charles Dixon of
Edward Foster of
George Hurst of
John Jackson of
Kenneth Lucas of
Matthew Norman of
Octavius Parker of

Names and Descriptions of all the Trustees in whom the said [*Chapel*] and Premises now becomes legally vested.

First.—Old continuing Trustees:—
John Jackson, now of
Matthew Norman, now of
Octavius Parker, now of

Second.—New Trustees now chosen and appointed:—
Benjamin Adams of
Charles Bell of
Jonathan Edmonds of
Richard Baxter of
John Home of

Dated this Day of

William Hicks, (L.S.)
Chairman of the said Meeting.

Signed, sealed, and delivered by the said *William Hicks*, as Chairman of the said Meeting, at and in the Presence of the said Meeting, on the Day and Year aforesaid, in the Presence of

C.D.
E.F.

[*The Blanks, and Parts in Italics, to be filled up as the Case may be.*]

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***

ments, or Hereditaments which he would be entitled to have extended or appraised under a Writ of Elegit, or extended, seized, or taken under a Writ of Levari facias, or other Proceeding on such Recognizance, or to have a Receiver thereof appointed by that Court extended to that Matter, and it should be lawful for the Court to appoint or extend a Receiver accordingly over the whole thereof, or over so much thereof as should appear to it sufficient for the Purposes of paying the Sum due on such Judgment or Recognizance: And whereas by an Act passed in the Fourth Year of Her Majesty's Reign, intituled *An Act for abolishing Arrest on Mesne Process in Civil Actions, except in certain Cases, for extending the Remedies of Creditors against the Property of Debtors, and for the further Amendment of the Law and the better Advancement of Justice, in* Ireland, it was enacted, that it should be lawful for the Sheriff or other Officer to whom any Writ of Elegit, or any Precept in pursuance thereof, should be directed at the Suit of any Person, upon any Judgment which at the Time appointed for the Commencement of that Act should have been recovered or should be thereafter recovered in any Action in any of Her Majesty's Superior Courts at *Dublin*, to make and deliver Execution unto the Party in that Behalf suing of all such Lands, Tenements, Rectories, Tithes, Rents, and Hereditaments, including Lands and Hereditaments which might be of Copyhold Tenure, as the Person against whom Execution was so sued, or any Person in trust for him, should have been seised or possessed of at the Time of entering up the said Judgment or at any Time afterwards, or over which such Person should at the Time of entering up such Judgment or at any Time afterwards have any disposing Power which he might without the Assent of any other Person exercise for his own Benefit, in like Manner as the Sheriff or other Officer might then make and deliver Execution of One Moiety of the Lands and Tenements of any Person against whom a Writ of Elegit was sued out; and it was enacted, that it should be lawful for any Person entitled to sue out or who had already sued out a Writ of Elegit upon any Judgment recovered in any of Her Majesty's Courts at *Dublin*, or to issue or who had issued Execution in any Suit or Proceeding on any Recognizance there, to apply by Petition to the Court of Chancery, or to the Court of Exchequer at the Equity Side thereof, for an Order that a Receiver might be appointed over any Lands, Tenements, Rectories, Tithes, Annuities, Rents, or Hereditaments by that Act made liable to be seized, extended, appraised, or taken in Execution on any such Judgment, or to order that any Receiver appointed before the passing of that Act over the Property of any Judgment Debtor might be extended to the Matter of such new Petition, and that in proceeding under the said Act of the Sixth Year of King *William* the Fourth and the Act now in recital the said Court of

3 & 4 Vict. c. 105.

of Chancery and Court of Exchequer at the Equity Side thereof should have Power to appoint or extend a Receiver in a summary Way, on a Petition at the Instance of such Person, over any Property of such Judgment Debtor which such Creditor would or could make available for the Payment of his Judgment Debt by filing (after a Writ of Execution had been issued and returned at Law upon such Judgment) a Bill in a Court of Equity, or by any Writ of Execution at Law, or (subject to the Proviso therein-after contained) by Petition under the Provisions of the Act now in recital, and it should be lawful for the said Courts respectively to appoint or extend a Receiver accordingly over the whole thereof, or over so much thereof as should appear to be sufficient for the Purposes of paying the Sum due on such Judgment or Recognizance; and it was enacted, that a Judgment already entered up or to be thereafter entered up against any Person in any of Her Majesty's Superior Courts at *Dublin* should operate as a Charge upon all Lands, Tenements, Rectories, Advowsons, Tithes, Rents, and Hereditaments, including Lands and Hereditaments of Copyhold Tenure, of or to which such Person should at the Time of entering up such Judgment or at any Time afterwards be seised, possessed, or entitled for any Estate or Interest whatever, at Law or in Equity, whether in possession, reversion, remainder, or expectancy, or over which such Person should at the Time of entering up such Judgment or at any Time afterwards have any disposing Power which he might without the Assent of any other Person exercise for his own Benefit, and should be binding as against the Person against whom Judgment should be so entered up, and against all Persons claiming under him after such Judgment, and should also be binding as against the Issue of his Body, and all other Persons whom he might without the Assent of any other Person cut off and debar from any Remainder, Reversion, or other Interest in or out of any of the said Lands, Tenements, Rectories, Advowsons, Tithes, Rents, and Hereditaments, and that every Judgment Creditor should have such and the same Remedies in a Court of Equity against the Hereditaments so charged by virtue of that Act or any Part thereof as he would be entitled to in case the Person against whom such Judgment should have been so entered up had Power to charge the same Hereditaments, and had by Writing under his Hand agreed to charge the same, with the Amount of such Judgment Debt and Interest thereon, subject to the Provisoes in such Act contained; and by the lastly recited Act the Effect of Judgments in the Superior Courts of Common Law was given to certain Decrees, Orders, and Rules for Payment of Monies, Costs, Charges, and Expenses: And whereas an Act was passed in the Eighth Year of Her Majesty, intituled *An Act for the Protection of Purchasers against Crown Debts, Lis Pendens, and Commissions of Bankruptcy, and for providing One Office for the registering of* 7 & 8 Vict. c. 90.

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all Judgments in Ireland, *and for amending the Laws in* Ireland *respecting Bankrupts and the Limitation of Actions;* and an Act was passed in the Twelfth Year of Her Majesty, intituled *An Act to facilitate the Transfer of Landed Property in* Ireland: And whereas an Act was passed in the last Session of Parliament, "to "amend the Law concerning Judgments in *Ireland*:" And whereas it is expedient further to amend such Law: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Provisions herein-before recited of the said Acts of the Sixth Year of King *William* the Fourth and the Fourth Year of Her Majesty shall not in anywise extend or be applicable to any Judgment entered up in any of Her Majesty's Superior Courts at *Dublin*, or obtained in any Inferior Court of Record, after the passing of this Act, nor to any Decree, Order, or Rule made after the passing of this Act, and no Writ of Elegit or Writ of Execution (save as herein-after mentioned) shall issue or be sued upon any such Judgment, Decree, Order, or Rule against any Lands, Tenements, or Hereditaments, or any Estate or Interest therein, nor shall any Lands, Tenements, or Hereditaments, or any Estate or Interest therein, be charged or affected by any such Judgment, Decree, Order, or Rule, save as provided by this Act.

11 & 12 Vict. c. 120.

12 & 13 Vict. c. 95.

Recited Provisions not to extend to Judgments, Decrees, &c. entered or made after passing of this Act.

II. And be it enacted, That where any legal or equitable Estate or Interest or any disposing Power in or over any Lands, Tenements, or Hereditaments shall, under any Conveyance, Lease, Deed, or Instrument executed after the passing of this Act, become vested in any Person as a Purchaser for valuable Consideration, such Lands, Tenements, or Hereditaments shall not be taken in Execution under any Writ of Elegit or other Writ of Execution (save as herein-after mentioned) to be sued upon any Judgment which before the passing of this Act has been entered up in any of Her Majesty's Superior Courts at *Dublin*, or obtained in any Inferior Court of Record, against such Person, or any Decree, Order, or Rule which has been made before the passing of this Act for Payment by such Person of any Sum of Money, Costs, Charges, or Expenses, and no Receiver shall be appointed over such Lands, Tenements, or Hereditaments in respect of any Money due upon such Judgment, Decree, Order, or Rule, nor shall such Judgment, Decree, Order, or Rule operate as a Charge upon or in anywise charge or affect such Lands, Tenements, or Hereditaments, save as provided by this Act: Provided always, that this Enactment shall not take away or affect any Rights or Remedies which might have been had against or in relation to such Lands, Tenements, or Hereditaments, if this Act had not been passed, in respect of any Estate,

Existing Judgments, &c. not to affect Land purchased after passing of this Act.

Interest, Right, Title, or Power in, to, or over the same, which may have been in such Person before the passing of this Act.

Judgments, &c. already registered to be re-registered within Five Years after passing of this Act.

9 G. 4. c. 35.

III. And be it enacted, That no Judgment re-docketed or entered after Revival under an Act of the Ninth Year of King *George* the Fourth, intituled *An Act to protect Purchasers for valuable Consideration in* Ireland *against Judgments not revived or re-docketed within a limited Time*, and not before the passing of this Act registered under the said Act of the Eighth Year of Her Majesty, and no Judgment of any Superior Court registered under such last-mentioned Act before the passing of this Act, and no Decree or Order in any Court of Equity, Rule in any Court of Common Law, or Order in Bankruptcy or Lunacy, registered under the said Act of the Fourth Year of Her Majesty or the said Act of the Eighth Year of Her Majesty, before the passing of this Act, and no Judgment, Rule, or Order of any Inferior Court registered under the said Act of the Eighth Year of Her Majesty before the passing of this Act, shall, after the Expiration of Five Years from the passing of this Act, affect Lands, Tenements, or Hereditaments, as to Purchasers, Mortgagees, or Creditors, unless and until a like Memorandum or Minute as is required for a Registry thereof under the said Act of the Eighth Year of Her Majesty be left with the Officer appointed under that Act within Five Years before the Execution of the Conveyance, Settlement, Mortgage, Lease, or other Deed or Instrument vesting or transferring the legal or equitable Right to the Estate or Interest in or to any such Purchaser or Mortgagee for valuable Consideration, or, as to Creditors, within Five Years before the Right of such Creditor accrued: Provided always, that where Twenty Years from the Date of the Re-docket or Entry under the said Act of the Ninth Year of King *George* the Fourth of any Judgment has expired, or will expire before the Expiration of Five Years from the passing of this Act, nothing in this Enactment contained shall be taken to dispense with the Registry under the said Act of the Eighth Year of Her Majesty of such Judgment within such Twenty Years, or to give any greater Validity or Effect to such Judgment than the same would have had under the Provisions of the said Act of the Eighth Year of Her Majesty in case this Act had not been passed.

All Judgments, &c. registered or re-registered after the passing of this Act to be re-registered every Five Years.

IV. And be it enacted, That no Judgment of any Superior Court, Decree or Order in any Court of Equity, Rule in any Court of Common Law, Order in Bankruptcy or Lunacy, or Judgment, Rule, or Order of any Inferior Court, which, after the passing of this Act, shall be registered or re-registered under the said Act of the Eighth Year of Her Majesty or this Act, shall, after the Expiration of Five Years from the Date of such Registry or Re-

registry

registry thereof, affect Lands, Tenements, or Hereditaments, as to Purchasers, Mortgagees, or Creditors, unless and until a like Memorandum or Minute as was required in the first instance be again left with such Officer as aforesaid, within Five Years before the Execution of the Conveyance, Settlement, Mortgage, Lease, or other Deed or Instrument vesting or transferring the legal or equitable Right to the Estate or Interest in or to any such Purchaser or Mortgagee for valuable Consideration, or, as to Creditors, within Five Years before the Right of such Creditor accrued, and so *toties quoties* at the Expiration of every succeeding Five Years.

Lis Pendens not to affect Purchasers, &c. unless registered within Five Years before Execution of Conveyance, &c.

V. And be it enacted, That no Lis Pendens shall bind or affect a Purchaser or Mortgagee, without express Notice thereof, unless and until a like Memorandum or Minute as is required for a Registry thereof under the said Act of the Eighth Year of Her Majesty be left with the Officer appointed under that Act, within Five Years before the Execution of the Conveyance, Settlement, Mortgage, Lease, or other Deed or Instrument vesting or transferring the legal or equitable Right to the Estate or Interest in or to such Purchaser or Mortgagee for valuable Consideration, save where such Lis Pendens has been registered under the said Act of the Eighth Year of Her Majesty before the passing of this Act, and such Conveyance, Settlement, Mortgage, Lease, or other Deed or Instrument is executed within Five Years after the passing of this Act.

Creditors under Judgments, Decrees, &c. entered up or made after passing of Act may file Affidavit of Ownership of Lands, and register same in Office for registering Deeds, and Creditors under Judgments, Decrees, &c. entered up or made before passing of Act may file and register a like Affidavit in respect of Lands purchased after passing of Act.

VI. And be it enacted, That where any Judgment shall be entered up after the passing of this Act in any of Her Majesty's Superior Courts at *Dublin*, or any Decree or Order in any Court of Equity, Rule in any Court of Common Law, or Order in Bankruptcy or Lunacy, to which the Effect of a Judgment in One of the Superior Courts of Common Law is given by the said Act of the Fourth Year of Her Majesty, shall be made after the passing of this Act, or any Judgment, Rule, or Order shall be obtained or made in or by any Inferior Court of Record after the passing of this Act, and shall, under the Provisions of the said Act of the Fourth Year of Her Majesty, be removed into One of Her Majesty's Superior Courts of Record at *Dublin*, and the Creditor under any such Judgment, Decree, Order, or Rule shall know or believe that the Person against whom such Judgment, Decree, Order, or Rule is entered up, obtained, or made is seised or possessed at Law or in Equity of any Lands, Tenements, or Hereditaments, of any Nature or Tenure, or has any disposing Power over any such Lands, Tenements, or Hereditaments which he may without the Assent of any other Person exercise for his own Benefit, and where any Judgment has been entered up before the passing of this Act in any of Her Majesty's Superior Courts at *Dublin*, or any Decree

Decree or Order in any Court of Equity, Rule in any Court of Common Law, or Order in Bankruptcy or Lunacy to which the Effect of a Judgment in one of the Superior Courts of Common Law is given by the said Act of the Fourth Year of Her Majesty has been made before the passing of this Act, or any Judgment, Rule, or Order has been obtained or made in or by any Inferior Court of Record before the passing of this Act, and has been or shall be, under the Provisions of the said Act of the Fourth Year of Her Majesty, removed into one of Her Majesty's Superior Courts at *Dublin*, and the Creditor under any such Judgment, Decree, Order, or Rule shall know or believe that the Person against whom such Judgment, Decree, Order, or Rule is entered up, obtained, or made is seised or possessed as aforesaid of, or has such disposing Power as aforesaid over, any Lands, Tenements, or Hereditaments which by virtue of this Act are exempted from being taken in execution under any Writ of Execution to be issued upon such Judgment, Decree, Order, or Rule, it shall be lawful for such Creditor, at any Time and from Time to Time after the entering up or Removal of such Judgment in or into such Superior Court, or the making of such Decree, Order, or Rule, or the passing of this Act, whichever shall last happen, to make and file in the Superior Court in, by, or into which such Judgment, Rule, or Order is entered up, made, or removed, or in the Court of Equity by which such Decree or Order is made, or, in the Case of such Order in Bankruptcy or Lunacy as aforesaid, in the Court of Chancery in *Ireland*, an Affidavit stating the Name or Title of the Cause or Matter, and the Court in which such Judgment, Decree, Order, or Rule has been entered up, obtained, or made, and the Date of such Judgment, Decree, Order, or Rule, and the Names, and the usual or last known Place of Abode, and the Title, Trade, or Profession of the Plaintiff (if there be such), and of the Defendant or Person whose Estate is intended to be affected by the Registration, as herein-after mentioned, of such Affidavit, and the Amount of the Debt, Damages, Costs, or Monies recovered or ordered to be paid by such Judgment, Decree, Order, or Rule, and stating that, to the best of the Knowledge and Belief of the Deponent, the Person against whom such Judgment, Decree, Order, or Rule is entered up, obtained, or made is at the Time of the swearing of such Affidavit so seised or possessed, or has such disposing Power as aforesaid, of or over such Lands, Tenements, or Hereditaments, and such Affidavit shall specify the County and Barony, or the Town or County of a City, and Parish, or the Town and Parish, in which the Lands to which the Affidavit relates are situate, and where such Lands lie in Two or more Counties or Baronies, or Parishes or Streets, or partly in One Barony, Parish, or Street and partly in another, the same shall be distinctly stated in such Affidavit; and it shall be lawful for the Creditor making such Affidavit to register the

the same in the Office for registering Deeds, Conveyances, and Wills in *Ireland*, by depositing in such Office an Office Copy of such Affidavit; and such Copy shall be numbered and transcribed, and shall be entered in the Books and Indexes kept in the said Office, in like Manner as if the same were a Memorial of a Deed; and for the Purpose of such Entries the Creditor under such Judgment, Decree, Order, or Rule shall be deemed the Grantee, and the Debtor thereunder shall be deemed the Grantor; and the Amount of the Debt, Damages, Costs, or Monies recovered or ordered to be paid thereby shall be deemed the Consideration; and the like Fee shall be paid on such Registration as in the Case of registering a Memorial of a Deed.

Registration of Affidavit to have the Effect of a Mortgage.

VII. And be it enacted, That the Registration as aforesaid of such Affidavit shall operate to transfer to and vest in the Creditor registering such Affidavit all the Lands, Tenements, and Hereditaments mentioned therein, for all the Estate and Interest of which the Debtor mentioned in such Affidavit shall at the Time of such Registration be seised or possessed at Law or in Equity, or might at such Time create by virtue of any disposing Power which he might then without the Assent of any other Person exercise for his own Benefit, but subject to Redemption on Payment of the Money owing on the Judgment, Decree, Order, or Rule mentioned in such Affidavit; and such Creditor, and all Persons claiming through or under him, shall, in respect of such Lands, Tenements, and Hereditaments, or such Estate or Interest therein as aforesaid, have all such Rights, Powers, and Remedies whatsoever as if an effectual Conveyance, Assignment, Appointment, or other Assurance to such Creditor of all such Estate or Interest, but subject to Redemption as aforesaid, had been made, executed, and registered at the Time of registering such Affidavit.

Voluntary Conveyances after Judgment entered up void as against the Creditor.

VIII. And be it enacted, That where an Affidavit shall be registered as aforesaid, every such Conveyance and other Act whatsoever made or done after the Date of the Judgment, Decree, Order, or Rule mentioned in such Affidavit, of and concerning any Lands, Tenements, or Hereditaments mentioned in such Affidavit, as under an Act of the Parliament of *Ireland* passed in the Tenth Year of King *Charles* the First, intituled *An Act against covenous and fraudulent Conveyances*, would be deemed void against Purchasers for Money or other good Consideration, shall be void as against the Creditor registering such Affidavit, and the like Remedies may be had in respect of such Lands, Tenements, and Hereditaments as if such Conveyance or other Act had not been made or done: Provided always, that nothing herein contained shall in anywise affect the Provisions of the same Act concerning Conveyances and other Acts had or made to the Intent to delay, hinder, or defraud Creditors.

10 Car. 1. (I.)

Not to affect Provisions as to fraudulent Conveyances.

IX. And

IX. And be it enacted, That upon the Lodgment in the said Office for registering Deeds, Conveyances, and Wills of such Certificate of the Entry of Satisfaction upon the Roll of any Judgment, or of such Certificate of any Decree, Rule, or Order having been performed, complied with, or satisfied, as is mentioned in the said Act of the Twelfth Year of Her Majesty, the Registrar of the said Office shall, where an Affidavit has been registered under this Act in respect of such Judgment, Decree, Rule, or Order, cause a Memorandum of Satisfaction thereof to be subscribed to the several Entries of such Affidavit in the Books kept at the said Office, specifying the Date at which Satisfaction of such Judgment appears by such Certificate to have been entered on Record, or, in the Case of any such Decree, Rule, or Order, specifying the Date of the Certificate; and upon every Certificate of Search made in the said Office subsequently to the Entry of such Memorandum as aforesaid whereon such Affidavit shall appear the Entry of such Memorandum shall be stated.

Registrar of Deeds, upon Lodgment of Certificate of Satisfaction of Judgment, &c., to enter Memorandum thereof upon Entries of Affidavit.

X. Provided always, and be it enacted, That all such Chattel Interests in Lands, Tenements, or Hereditaments as might have been taken in Execution under any Writ of Fieri facias if the said Act of the Fourth Year of Her Majesty had not been passed, may be taken in Execution and otherwise dealt with under any Writ of Fieri facias already issued or hereafter to be issued, anything in this Act contained notwithstanding.

Act not to affect Execution by Fieri facias.

XI. And be it enacted, That in the Administration in Courts of Equity of the Assets of any Person against whom any Judgment, Decree, Order, or Rule has been or shall be entered up, obtained, or made, either before or after the passing of this Act, who shall die seised of or entitled to any Estate or Interest in Lands, Tenements, or Hereditaments, the Creditor under such Judgment, Decree, Order, or Rule shall have the same Rights upon and in respect of such Lands, Tenements, or Hereditaments as if this Act had not been passed.

Rights of Judgment Creditor in Administration of Assets preserved.

XII. And whereas Doubts have arisen whether under the recited Provision of the said Act of the Fourth Year of Her Majesty Judgments against Persons having Securities upon Land for Payment of Money may not operate as a Charge upon such Land, or affect the Title thereto; and it is expedient that such Doubts should be removed: Be it therefore declared and enacted, That no Judgment, Decree, Order, or Rule shall under the said Act of the Fourth Year of Her Majesty operate or be deemed to have operated as a Charge upon any Estate, Interest, or Title in or to Lands, Tenements, or Hereditaments vested in or subject to the Power of Disposition of any Person

3 & 4 Vict. c. 105. s. 22. not to extend to Interests created by Securities for Money.

Person against whom such Judgment, Decree, Order, or Rule is entered up, obtained, or made, where such Estate, Interest, or Title is so vested or subject to such Power as aforesaid, by way of Mortgage or otherwise, as a Security for the Payment of any Money, or consists of any Judgment or Lien or any Money thereby secured or recoverable, or any Sum or Sums of Money (except Rents and Rent-charges) charged upon or payable out of Lands, Tenements, or Hereditaments: Provided always, that this Section shall not in any Manner extend or apply to any Case in which the above Doubts, or any Question thereon, have or hath been already argued or raised in any Proceeding now depending in any Court of Equity in *Ireland*.

Act may be amended, &c.

XIII. And be it enacted, That this Act may be amended or repealed in this present Session of Parliament.

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ANNO DECIMO TERTIO & DECIMO QUARTO

VICTORIÆ REGINÆ.

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Sheriff within the said County, and it being necessary for the Administration of Justice within the said County that a Sheriff for the said County should be appointed until such Doubts and Rights could be settled and ascertained, it was by a certain Act of Parliament passed in the Thirteenth Year of the Reign of Her Majesty, intituled *An Act to provide for the Execution for One Year of the Office of Sheriff in the County of* Westmoreland, enacted that it should be lawful for Her Majesty, from and after the passing of that Act, to nominate and appoint, in Manner and Form therein mentioned, such Person to be Sheriff for One Year of the County of *Westmoreland* as She should by the Advice of Her Council think fit: And whereas, in pursuance of the said Power given to Her Majesty by the said Act, Her Majesty, on the Eighteenth Day of *July* in the Year One thousand eight hundred and forty-nine, was graciously pleased, by the Advice of Her Council, to appoint *George Edmund Wilson* of *Heversham House*, Esquire, to be Sheriff of the County of *Westmoreland:* And whereas grave Inconveniences have arisen in consequence of the said Office of Sheriff of *Westmoreland* having been so vested in the Heirs of the said *Robert de Veteripont*, and also still further Inconveniences in consequence of the conflicting Claims of different Persons to the said Office under or by virtue of the said Grant; and the like Inconveniences may again occur if the Right to hold, exercise, or enjoy the said Office should be continued as aforetime in any of Her Majesty's Subjects; wherefore it is expedient that Provision should be made for the discontinuing and abolishing such Rights, and for vesting the Appointment of the Sheriff of the County of *Westmoreland* in Her Majesty, Her Heirs and Successors, in like Manner as is the Case in all other Counties of *England* and *Wales:* Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the first Appointment by Her Majesty, Her Heirs and Successors, of any of Her Majesty's Subjects, in manner herein-after mentioned, to be Sheriff of the County of *Westmoreland*, all Right and Title in the said *Robert de Veteripont*, his Heir or Heirs, or any Person or Persons claiming through or under any of them, or under any Devise, Conveyance, or Assurance made by them or any of them, or under or by virtue of any hereditary Claim or Title whatsoever to hold, exercise, and enjoy the Office of Sheriff of *Westmoreland*, shall for ever cease and determine.

12 & 13 Vict. c. 42.

After the first Appointment by Her Majesty of Sheriff of Westmoreland, all other Rights to make such Appointment to cease.

After passing of Act, Her Majesty to appoint to Office of Sheriff.

II. And be it enacted, That from and after the passing of this Act it shall be lawful for the Queen's most Excellent Majesty, Her Heirs and Successors, to appoint, in such Manner and Form as is provided

provided by an Act passed in the Session of Parliament holden in the Third and Fourth Years of the Reign of King *William* the Fourth, for, amongst other things, "facilitating the Appointment of "Sheriffs," such Person (being by Law competent to hold and exercise the Office of Sheriff) to be Sheriff of the County of *Westmoreland* as She shall, by the Advice of Her Privy Council, think fit, and hereafter from Time to Time as Occasion shall require to appoint in like Manner and Form any other Person (so being by Law competent as aforesaid) to be Sheriff of the said County of *Westmoreland;* and such Person so to be from Time to Time appointed shall hold, use, and execute the said Office of Sheriff within the said County of *Westmoreland*, and upon taking the Oath of Office by the said Act prescribed shall thenceforth have and exercise all the Powers, Privileges, and Authorities hitherto usually exercised and enjoyed by the Sheriff of the County of *Westmoreland*, or any other Sheriff now or heretofore appointed under and by virtue of the said last-mentioned Act, and shall be subject and liable to the same Duties and Liabilities as the Sheriff of the County of *Westmoreland* has hitherto been subject and liable to, and to all the Liabilities imposed upon Sheriffs in *England* and *Wales* by the said last-mentioned Act.

3 & 4 W. 4. c. 99.

III. Provided always, and be it enacted, That the said *George Edward Wilson* shall continue to hold, use, and execute the said Office of Sheriff of the County of *Westmoreland* until the Appointment by Her Majesty, Her Heirs or Successors, of some other Person to be Sheriff of the said County under this Act.

G. E. Wilson, Esq. to continue Sheriff of Westmoreland until another appointed.

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it is expedient to authorize further Advances of Money for Drainage and the Improvement of Landed Property in the United Kingdom, and to amend the Acts relating to such Advances: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for the Commissioners of Her Majesty's Treasury to issue and advance or cause to be issued and advanced out of the growing Produce of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, in addition to the Sums already authorized to be advanced for the Purposes herein-after mentioned, such Sum or Sums of Money, not exceeding in the whole the Sum of Two million Pounds, as may be required for the Purposes of Loans for the Improvement of Landed Property in *Great Britain*, and such Sum or Sums of Money, not exceeding in the whole the Sum of Two hundred thousand Pounds, as may be required for the Purposes of Loans for the Improvement of Landed Property in *Ireland*, or, if the Commissioners of Her Majesty's Treasury so think fit, it shall be lawful for them to cause any Number of Exchequer Bills to be made out at the Receipt of the Exchequer at *Westminster* for any Sums of Money not exceeding in the whole the said Sums of Two million Pounds for *Great Britain*, and Two hundred thousand Pounds for *Ireland*, as they shall think fit to direct for the Purposes aforesaid, but provided that the whole Amount of such Advances out of the Consolidated Fund and by Exchequer Bills shall not together exceed the said Sums of Two million Pounds for *Great Britain* and Two hundred thousand Pounds for *Ireland*.

Treasury may advance 2,000,000*l.* for Improvement of Landed Property in Great Britain, and 200,000*l.* for Ireland.

II. And be it enacted, That the Money to be advanced under this Act for the Purposes of Loans for the Improvement of Landed Property in *Great Britain* shall be applied for the Purposes and under the Provisions of the said firstly-recited Act, as amended by the said secondly and thirdly recited Acts and this Act, save so far as the same relate to Lands in *Ireland*, and all the Powers, Authorities, Provisions, Matters, and Things contained in the said firstly, secondly, and thirdly recited Acts, and applicable to Loans out of the Money authorized to be advanced for *Great Britain* under the said firstly-recited Act, shall extend to the Loans to be made out of the Money authorized to be advanced under this Act for the Purposes of Loans for the Improvement of Landed Property in *Great Britain*.

The Sums to be advanced for Great Britain to be applied to Loans under 9 & 10 Vict. c. 101, and the Acts amending the same.

III. And be it enacted, That the Money to be advanced under this Act for the Purposes of Loans for the Improvement of Landed Property in *Ireland* shall be applied for the Purposes and under the

The Money to be advanced for Ireland to be

Provisions

Provisions of the said Act of the Tenth Year of Her Majesty, "to "facilitate the Improvement of Landed Property in *Ireland*," as amended by the said firstly-recited Act of the last Session of Parliament and this Act, and all the Powers, Authorities, Provisions, Matters, and Things contained in the said last-mentioned Act of the Tenth Year of Her Majesty, and the said Act amending the same, applicable to the Loans authorized to be made by the said Act for the Improvement of Landed Property in *Ireland*, shall extend to the Loans to be made out of the Money authorized to be advanced under this Act for the Purposes of Loans for the Improvement of Landed Property in *Ireland*.

applied to Loans under 10 & 11 Vict. c. 32. and the amending Act.

IV. And be it enacted, That where a Provisional Certificate has been or may be issued under the said firstly, secondly, and thirdly recited Acts or any of them, or this Act, and no Advance shall have been made in respect of the Works to which such Provisional Certificate relates, or the whole of the Sum in such Provisional Certificate expressed as the Limit of the Advance to be made under the same shall not have been issued, it shall be lawful for the Inclosure Commissioners for *England* and *Wales*, where they think fit, upon the Application of the Owner of the Land to which such Provisional Certificate relates, by Order under the Seal of the said Inclosure Commissioners, to authorize the Alteration or Modification of any Works to which such Provisional Certificate relates, or to authorize any other Works in respect of which an Advance might be made under the said Acts or this Act to be executed on the Land to which such Provisional Certificate relates, or on any other Land of the same Owner, in substitution in whole or in part for the Works referred to in such Provisional Certificate, and all Proceedings, Advances, and Acts shall and may be thenceforth had, made, and done upon such Provisional Certificate as varied by such Order, in the same Manner as if the Works altered or modified or substituted under such Order had been originally authorized or referred to in such Provisional Certificate: Provided always, that the said Commissioners shall not authorize the Execution of Works on Land other than that to which the Provisional Certificate relates in substitution as aforesaid for Works mentioned in such Certificate, until the like Notice of the Application shall have been given as is required by the said Acts in the Case of an Application for an Advance; and the Provisions of the said Acts concerning Notice of such last-mentioned Application, and concerning Dissents and Consents, and Proceedings consequent upon Dissent, shall be applicable where Notice is required under this Act.

Inclosure Commissioners may authorize Application of Advances to other Works than those mentioned in Provisional Certificate.

V. And whereas by the said secondly-recited Act it is enacted, that no Provisional Certificate shall be issued upon any Application

Loans to the same Owner in Great

Britain restricted to 5,000*l.*

tion or Applications by the same Owner for a larger Sum than Ten thousand Pounds: Be it enacted, That the said recited Provision shall, as respects Provisional Certificates to be issued upon Application made after the passing of this Act, be repealed; and no Provisional Certificate shall be issued upon any such Application or Applications by the same Owner for a larger Sum than Five thousand Pounds; or if any previous Provisional Certificate or Certificates have been issued to such Owner in respect of the same or any other Land, or have been issued in respect of the same Land to any previous Owner thereof, no Provisional Certificate shall upon such Application or Applications be issued for any larger Sum than will, with the Sum which has been or may be issued under such previous Certificate or Certificates, make up Five thousand Pounds.

Persons under Disabilities.

VI. And be it enacted, That when the Owner of any Lands in *England* or *Wales*, or the Person who under the Act of the Seventh Year of King *William* the Fourth, for the Commutation of Tithes in *England* and *Wales*, would be deemed the Owner of any Lands in *England* or *Wales*, shall be a Minor, Idiot, Lunatic, Feme Covert, beyond the Seas, or under any other legal Disability, the Guardian, Trustee, Committee of the Estate, Husband, or Attorney respectively shall be substituted in the Place of such Owner or Person deemed to be Owner for all the Purposes of the said several herein-before recited Acts and of this Act.

Act to be construed with 9 & 10 Vict. c. 101.

VII. And be it enacted, That so much of this Act as amends the said firstly-recited Act shall be construed with such Act and the said secondly and thirdly recited Acts as One Act.

Loans may be made for the Erection of Farm Buildings in Ireland.

VIII. And be it enacted, That out of any Money authorized to be advanced for facilitating the Improvement of Landed Property in *Ireland*, under the said Act of the Tenth Year of Her Majesty, "to "facilitate the Improvement of Landed Property in *Ireland*," or the said secondly-recited Act of the last Session of Parliament, or this Act, Loans may be made for the Erection of Farm Buildings; and all the Provisions of the said last-mentioned Act of the Tenth Year of Her Majesty, and the said Act amending the same, shall be construed in like Manner as if the Erection of Farm Buildings had been enumerated in such last-mentioned Act of the Tenth Year of Her Majesty among the Purposes for which Loans might be made under that Act.

Commissioners may fix a Time for Completion of Works, not exceed-

IX. And whereas by the said Act "to facilitate the Improvement "of Landed Property in *Ireland*" it is provided that all the Works for which any Loan is made under such Act shall be completed within such Period as may, previously to making any such Loan or Advance

Advance as therein mentioned, be fixed by the Commissioners of Public Works in *Ireland*, or within such further Period as they may fix from Time to Time, such Periods not exceeding in the whole Three Years from the Date of the First Advance on account of any such Loan: Be it enacted, That so much of the said recited Enactment as requires the said Commissioners to fix a Period for the Completion of any Works within Three Years from the Date of such First Advance shall be repealed; and it shall be lawful for the said Commissioners to fix, for the Completion of any such Works, such Period, and from Time to Time such further Period, within Five Years from the Date of the First Advance on account of any such Loan, as the said Commissioners may think fit.

ing 5 Years from First Advance.

X. And be it enacted, That the Commissioners of Public Works in *Ireland* shall not make any Order for any Loan under the said Act of the Tenth Year of Her Majesty, "to facilitate the Improvement of "Landed Property in *Ireland*," the said secondly-recited Act of the last Session of Parliament, and this Act, or any of them, to the same Owner to a larger Amount than Five thousand Pounds; or if any previous Order or Orders have been made under such Acts or any of them for a Loan or Loans to the same Owner in respect of the same or any other Land, or to any previous Owner of the same Land in respect of such Land, the said Commissioners shall not make such Order for a Loan to a larger Amount than will, with the Sum which has been or may be issued under such previous Order or Orders, make up Five thousand Pounds.

Loans to the same Owner in Ireland restricted to 5,000*l.*

XI. And whereas it is expedient to authorize the Advance of a further Sum of Money for the Extension and Promotion of Works of Drainage and other Works of public Utility in *Ireland*: Be it therefore enacted, That it shall be lawful for the said Commissioners of Her Majesty's Treasury to issue and advance out of the growing Produce of the said Consolidated Fund, in addition to the Sums already authorized to be advanced for the Purposes herein-after mentioned, such further Sum or Sums of Money, not exceeding in the whole the Sum of Eight hundred thousand Pounds, as may from Time to Time be required for the Extension and Promotion of Drainage and other Works of public Utility in *Ireland*; or if the Commissioners of Her Majesty's Treasury so think fit, it shall be lawful for them to cause any Number of Exchequer Bills to be made out at the Receipt of the Exchequer at *Westminster* for any Sums of Money not exceeding in the whole the Sum of Eight hundred thousand Pounds, as they shall think fit to direct, for the Purposes last aforesaid; but provided that the whole Amount of such Advances out of the Consolidated Fund and by Exchequer Bills shall not together exceed

Treasury may advance 800,000*l.* for Drainage and Works of public Utility in Ireland.

exceed the said Sum of Eight hundred thousand Pounds; and the Advances to be so made shall be applied for the Purpose of the Loans which the Commissioners of Public Works in *Ireland* may be called upon to make under the Provisions of the Acts now in force authorizing Loans to be made for the Extension and Promotion of Drainage and other Works of public Utility in *Ireland*.

Provisions of existing Acts extended to this Act. 12 & 13 Vict. c. 23.

XII. And be it enacted, That all the Powers, Authorities, Provisions, Matters, and Things, of what Nature or Kind soever, contained in or referred to by the said Act of the last Session of Parliament "to authorize further Advances of Money for the Improvement of "Landed Property, and the Extension and Promotion of Drainage, "and other Works of public Utility, in *Ireland*," so far as such Act relates to Loans for the Purposes last aforesaid, or in any Act authorizing Loans to be made for the Extension and Promotion of Drainage and other Works of public Utility in *Ireland*, shall extend to this Act, and to Loans hereby authorized to be made for those Purposes.

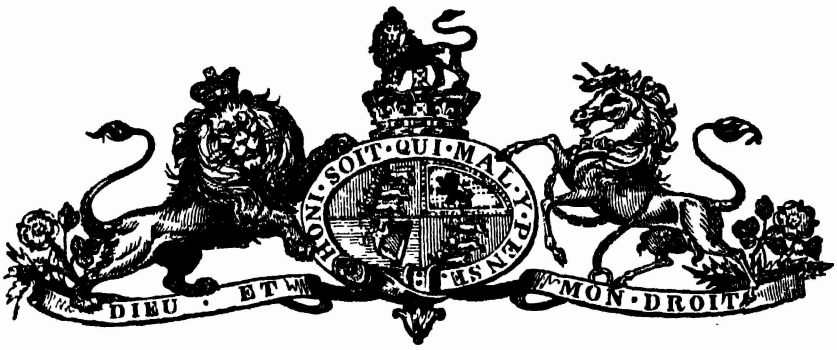
Provisions of 9 & 10 Vict. c. 101. to apply to Exchequer Bills issued under this Act.

XIII. And be it enacted, That all the Provisions of the said firstly-recited Act applicable to the Exchequer Bills to be made out and issued under that Act shall extend and be applicable to the Exchequer Bills to be made out and issued under this Act.

Act may be amended, &c.

XIV. And be it enacted, That this Act may be amended or repealed in this present Session of Parliament.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1850.



ANNO DECIMO TERTIO & DECIMO QUARTO

VICTORIÆ REGINÆ.

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First Election of Local Board for Dartford.

III. And be it enacted, That the First Election of the Local Board of Health for the Town and Parish of *Dartford* for the Purposes of the said Public Health Act shall take place on the Second Day of *September* in the Year of our Lord One thousand eight hundred and fifty.

First Election of Local Board for Harrow Town and Roxeth.

IV. And be it enacted, That the First Election of the Local Board of Health for the Hamlet of *Harrow* Town and *Roxeth* in the Parish of *Harrow* for the Purposes of the said Public Health Act shall take place on the Second Day of *September* in the Year of our Lord One thousand eight hundred and fifty.

First Election of Local Board for Chelmsford.

V. And be it enacted, That the First Election of the Local Board of Health for the Parish of *Chelmsford* for the Purposes of the said Public Health Act shall take place on the Second Day of *September* in the Year of our Lord One thousand eight hundred and fifty.

Local Board of Health for York may make Rates.

VI. And be it enacted, That the Local Board of Health in and for the City of *York*, as constituted by the Provisional Order of the General Board of Health by this Act confirmed, so often as they shall have Occasion to make and levy a Rate or Rates under the Powers conferred upon them by the Public Health Act, 1848, or the said Provisional Order by this Act confirmed, shall and may order such Rate or Rates to be made, levied, and collected within the said City as a Rate in the Nature of a County Rate, and in the same Manner in all respects as the Council of the said City is now authorized to order a Borough Rate to be made, levied, and collected under the Provisions of an Act passed in the Sixth Year of the Reign of King *William* the Fourth, intituled *An Act to provide for the Regulation of Municipal Corporations in* England *and* Wales, anything in the said Public Health Act, 1848, as to the Mode of making, levying, and collecting any Rate or Rates under that Act, to the contrary notwithstanding.

5 & 6 W. 4. c. 76.

Act incorporated with Public Health Act.

VII. And be it enacted, That this Act shall be deemed to be incorporated with the Public Health Act, and shall be as if this Act and the Public Health Act were One Act.

Short Title of this Act.

VIII. And be it enacted, That in citing this Act in any other Act of Parliament, or in any Proceeding, Instrument, or Document whatsoever, it shall be sufficient to use the Words and Figures "The Public Health Supplemental Act, 1850."

Act may be amended, &c.

IX. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

SCHE-

SCHEDULE to which this Bill refers.

PROVISIONAL ORDERS of the GENERAL BOARD OF HEALTH, submitted for the Confirmation of Parliament.

PLACES to which the Orders apply.

Stratford upon Avon.	Derby.
Dartford.	Dover.
Newport.	Chelmsford.
Brecon.	York.
Harrow.	

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Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
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ANNO DECIMO TERTIO & DECIMO QUARTO

VICTORIÆ REGINÆ.

***

Places in *Scotland*, and also for paving, draining, cleansing, lighting, supplying Water to, and otherwise improving the same: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said first and last recited Acts be and the same are hereby repealed, except only as regards such Burghs as have already adopted, in whole or in part, the Powers and Provisions of the said first-recited Act.

First and last recited Acts repealed, except where already adopted.

Interpretation of Terms.

II. And be it enacted, That the following Words and Expressions in this Act shall have the Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,) the Word "Burgh" shall include not only Royal Burgh, Parliamentary Burgh, and Burgh of Regality and Barony, but also any populous Place the Boundaries whereof have been fixed and ascertained in Terms of this Act; the Expression "Parliamentary Burgh" shall mean a Burgh or Town to which Magistrates and Councils were provided by the said second-recited Act; the Expression "populous Place" shall mean any Town, Village, Place, or Locality, not being a Royal Burgh, or Burgh of Regality or Barony, or Burgh or Town to which Magistrates and Councillors were by the said second-recited Act provided, containing a Population of Twelve hundred Inhabitants or upwards; the Word "Person," and Words applying to any Person or Individual, shall apply to and include Corporations; the Word "Householder" shall mean a Male Occupier of a Dwelling House or other Heritable Subjects of the yearly Value of Ten Pounds or upwards; the Word "Occupier" shall not include a Lodger or a Party in the Occupation as Tenant of a furnished House let for a less Period than One Year, but shall include the Party by whom such furnished House is so let; the Expression "Lodging House" shall mean a House in which Lodgers are housed at an Amount not exceeding Sixpence *per* Head *per* Night; the Word "County" shall include Stewartry; the Word "Sheriff" shall mean the Sheriff of and acting in the County of which he is Sheriff, and shall include Sheriff Substitute, and also Steward and Steward Substitute; the Expression "the Commissioners" shall mean the Commissioners for the Purposes of this Act acting in and for a Burgh by which this Act has been in whole or in part adopted; the Words "Magistrates," or "Magistrates and Council," when applied to Royal Burghs, shall include the Provost; the Word "Magistrate" (except where used in reference to Proceedings with respect to the Adoption of this Act) shall mean a Magistrate of Police appointed and acting under this Act; the Words "Clerk," "Treasurer," and "Collector" shall mean the Clerk, Treasurer, and Collector respectively appointed by the Commissioners under the Provisions of this Act; the Word "Lands" and the Word "Premises

mises" shall include all Lands, Springs, Rights of Servitude, Dwelling Houses, Shops, Warehouses, Vaults, Cellars, Stables, Breweries, Manufactories, Mills, and other Houses and Buildings, and Yards and Places; the Word "Street" shall extend to and include any Road, Bridge, Lane, Square, Court, Alley, Close, Wynd, Vennel, and Thoroughfare or public Passage; the Word "Month" shall mean Calendar Month; the Word "Oath" shall include Affirmation in the Case of Quakers, and Declaration in the Case of Persons allowed by Law to make a Declaration in lieu of an Oath; the Word "Owner," used with reference to any Lands or Premises in respect of which any Work is required to be done or any Assessment paid under this Act, shall mean the Person for the Time entitled to receive, or who, if such Lands or Premises were let to a Tenant at a Rack-rent, would be entitled to receive the Rack-rent from the Occupier thereof; the Expression "Rack-rent" shall mean Rent which is not less than Two Thirds of the full net annual Value of the Property out of which the Rent arises, and the full net annual Value shall be taken to be the Rent at which the Property ought reasonably to be expected to let from Year to Year, free from all Feu Duty, Ground Rent, and usual Tenants' Rates and Taxes, and deducting therefrom the probable annual Cost of the Repairs, Insurance, and other Expenses (if any) necessary to maintain the same in a State to command such Rent; the Expression "private Assessment" shall mean any Assessment or Charge on Individuals for private Improvement Expenses, or for House Drainage, or otherwise, under this Act; the Expression "District Assessment" shall mean any Assessment other than a "private Assessment" which is confined only to a Portion or District of any Burgh; the Word "Cattle" shall include any Horse, Mare, Gelding, Foal, Colt, Filly, Bull, Cow, Heifer, Ox, Calf, Ass, Mule, Ram, Ewe, Wether, Lamb, Goat, Kid, or Swine; Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number; and Words importing the Masculine Gender (except only the Word "Male") shall include Females.

III. And be it enacted, That the Boundaries of such Burghs and Towns as send or contribute to send a Member or Members to Parliament shall for the Purposes of this Act be the same as the Boundaries which are fixed by an Act passed in the Second and Third Year of the Reign of His Majesty King *William* the Fourth, intituled *An Act to amend the Representation of the People in* Scotland.

The Boundaries of Parliamentary Burghs to be those fixed by 2 & 3 W. 4. c. 65.

IV. And be it enacted, That the Boundaries of all other Royal Burghs, Burghs of Regality and of Barony, shall for the Purposes of this Act be fixed by the Sheriff as after mentioned, but so as not at any Point to extend more than One thousand Yards beyond the Bounds

Boundaries of all other Royal Burghs, and Burghs of Regality and

Barony, how to be fixed.

Bounds of such Burghs as established by Charter, Grant, Prescription, or Act of Parliament; and on the Application of any Twenty-one or more Householders in any such Burgh, or of the Magistrates and Council of any such Burgh, and after such Publication by Advertisement and otherwise as the Sheriff may direct, and after such Investigation (if any) as the Sheriff may deem necessary or proper, the Sheriff shall and he is hereby required to mark out, define, and specify, in a written Deliverance, on such Application, the Boundaries of such Burgh, for the Purposes of this Act, being always within the Limits of such One thousand Yards aforesaid; and such Deliverance shall be final, and when recorded, along with the Application on which it proceeds, in the Sheriff Court Books of such County, shall fix and determine the Boundaries of such Burgh for the Purposes of this Act; and whenever the Boundaries of such Burgh as so ascertained for the Purposes of this Act shall include a Portion of a different County than that in which the original Bounds of such Burgh are situated, such Portion shall for the Purposes of this Act be held to be within and to form Part of the County in which such original Bounds are situated as aforesaid.

Boundaries of populous Places how to be fixed.

V. And be it enacted, That on the Application of any Seven or more Householders in any populous Place of which the Population shall not exceed Three thousand Inhabitants, and on the Application of any Twenty-one or more Householders in any populous Place of which the Population shall exceed Three thousand Inhabitants, and after such Publication by Advertisement and otherwise as the Sheriff may direct, the Sheriff shall appoint and direct a proper Person to make out and furnish, within Fourteen Days thereafter, a Return showing to the best of his Knowledge and Belief the Amount of the Population within such populous Place, and thereafter, and after such further Investigation (if any) as the Sheriff may deem necessary or proper, it shall be lawful for the Sheriff and he is hereby required to mark out, define, and specify in a written Deliverance on such Application the Boundaries of such populous Place, and to declare that such Place is a populous Place in Terms of this Act; and such Deliverance shall be final, and when recorded, along with the Application on which it proceeds, in the Sheriff Court Books of the County, shall fix and determine the Boundaries of such populous Place for the Purposes of this Act.

If not adopted within a Year Boundaries to be held to be unascertained.

VI. And be it enacted, That if at the Expiration of One Year from the Date of such Deliverance in regard to any Burgh or populous Place this Act shall not have been adopted by such Burgh or Place, in whole or in part, the Boundaries of such Burgh or Place shall for the Purposes of this Act be held and taken to be still unascertained.

II. And

VII. And be it enacted, That it shall be lawful for any Seven or more Householders in any Burgh of which the Population shall not exceed Three thousand Inhabitants, and for any Twenty-one or more Householders in any Burgh of which the Population shall exceed Three thousand Inhabitants, or for the Magistrates and Council of any such Burgh, whether exceeding in Population Three thousand Inhabitants or not, to apply in Writing to the Chief or Senior Magistrate of such Burgh, if a Royal or Parliamentary Burgh, or if otherwise to the Sheriff of the County in which such Burgh is situated, requiring him to convene a Meeting of Householders in such Burgh, for the Purpose of considering whether the Provisions of this Act or any Part of the same shall be adopted and carried into execution within such Burgh: Provided always, that, previously to such Requisition being entertained by such Magistrate or Sheriff, the Boundaries of such Burgh shall have been ascertained, where required to be ascertained for the Purposes of this Act, by Proceedings under the same.

Power for Chief Magistrate, &c. of Burghs to convene a Meeting of Householders to consider of the Adoption of this Act.

Boundaries of Burgh to be ascertained previously.

VIII. And be it enacted, That such Magistrate or Sheriff shall, upon receiving such Requisition for the convening a Meeting, accompanied, if he shall so require, with a satisfactory Undertaking to pay the Expenses after mentioned, appoint and direct a proper Person to make out and furnish, within Fourteen Days thereafter, (except where previously made out and furnished as directed by this Act,) a Return showing to the best of his Knowledge and Belief the Amount of Population residing within such Burgh, and shall also direct the Collectors of the Poor Assessment within such Burgh to furnish him, within the like Period, with a List of the Names of all Householders within such Burgh; which List of Householders, distinguishing the Amount of Rental at which each Person is assessed, the said Collectors are hereby required to make and certify on Payment of a Fee of not more than One Shilling for each One hundred Names, and which List shall be sufficient Proof of the Qualification of the Householders named therein; and in case it shall be expedient to obtain such List otherwise than from such Collectors' Book, it shall be competent for such Magistrate or Sheriff to cause an accurate List to be taken and made up by Persons to be appointed for that Purpose.

Return of the Population and Lists of Householders to be made out.

IX. And be it enacted, That if the Provisions of this Act shall be adopted in whole or in part, all the Expenses incurred in relation to fixing the Boundaries, calling the First Meeting, making out Population Returns and Lists of Householders, and otherwise in relation to carrying this Act into execution, shall be defrayed out of the Money assessed and levied under the Authority thereof; but in case the Provisions of this Act shall not be adopted by such Meeting as aforesaid, in whole or in part, then the whole Expenses incurred in relation

Expenses attending the calling First Meeting, &c., how to be borne.

relation to fixing the Boundaries shall be paid and borne by the Persons signing the Application in that Behalf; and the whole Expenses incurred in relation to calling and holding the First Meeting, making out Returns and Lists, taking Polls, and all other Expenses whatsoever thereto relating, except as herein-after specially provided for, shall be paid and borne by the Persons signing the Requisition for holding such Meeting; and the Party or Parties who shall have disbursed such Expenses is and are hereby authorized to pursue for and recover the same, with Expenses of Suit, and that by summary Process before the Sheriff, whose Determination shall be final.

Mode of calling First Meeting.

X. And be it enacted, That on Receipt of such Requisition such Magistrate or Sheriff shall convene the Householders in the Town Hall or other convenient Place within such Burgh, as the Case may be, and shall lay this Act before such Meeting, together with such Requisition, Return, and List aforesaid, and shall attend and shall preside at such Meeting, and at each subsequent Meeting authorized by this Act, and shall appoint a Clerk to act thereat, who shall make regular Minutes of the Proceedings thereof; and such Magistrate or Sheriff shall, in case of Equality of Votes, besides his deliberative Vote, have a casting or decisive Vote.

Meetings to be intimated by posting Handbills, &c.

XI. And be it enacted, That such Meeting shall be held on a Day not less than Twenty-one Days or more than Thirty Days after such Magistrate or Sheriff shall have received such Requisition to convene a Meeting as aforesaid; and Intimation thereof shall be made by posting Handbills within such Burgh Fourteen Days preceding the Day of the Meeting, in the Form of the Schedule marked (A.) hereunto annexed, and by Tuck of Drum, or other Mode of Intimation usually adopted in such Burgh, Two Days in each Week for Two Weeks before such Meeting, or by open Proclamation within such Burgh, and also by an Advertisement in any Newspaper published in such Burgh, and if no Newspaper be published therein, then in a Newspaper circulating in such Burgh, at least Three clear Days before the Day appointed for such Meeting.

Qualification of Voters.

XII. And be it enacted, That at such Meeting, and generally at all Meetings and Elections under this Act, all Householders shall be entitled to vote; and Companies or Copartnerships occupying Houses or other Heritable Subjects of the yearly Value of Ten Pounds or of greater Value, so as to afford more than One Qualification of Ten Pounds, shall be entitled to grant Authority in Writing to any One or more of the Partners of such Company or Copartnership to vote, and which Partner or Partners shall be deemed to be a Householder within the Meaning of this Act, and have Vote accordingly: Provided always,

always, that such Company or Copartnership shall not so authorize or have Right to vote by more than One Partner in respect of each Qualification of Ten Pounds afforded by such Premises: Provided also, that in case of any Difficulty arising as to the Qualification or Identity of any Householder, the same shall be decided by such Magistrate or Sheriff, whose Determination shall be final.

Power of Meeting to adopt this Act, or to decline to adopt it.

XIII. And be it enacted, That such Meeting shall proceed to consider and determine whether this Act shall, in whole or in part, be adopted and carried into execution within such Burgh, or shall appoint a Committee of their own Number, not exceeding Nine, to inquire and report to some future Meeting to be held on such Day as shall be appointed; and such future Meeting shall, upon the Report of such Committee, proceed in all respects in the Manner herein directed for such Meeting.

Preses to declare the Determination of the Meeting.

XIV. And be it enacted, That the Preses of such Meetings shall ascertain the Determination thereof by a Show of Hands, or in such other Manner as shall appear to him expedient, and shall declare the same; which Declaration shall be final, unless the same shall not be unanimous, and a Poll shall be then demanded in Writing by any Five Persons present and qualified to vote at such Meeting.

Preses to direct a Poll, when demanded.

XV. And be it enacted, That when such Poll shall be demanded as aforesaid such Magistrate or Sheriff shall direct the same to be proceeded in at such Polling Place or Places and within such Period as he shall determine, not exceeding Two clear Days from the Day of the Date of such Demand in Writing, exclusive of *Sundays*, and the Polling shall commence at the Places intimated at Nine of the Clock of the Forenoon of the Day that shall be named.

Poll not to be open more than One Day, but may close earlier.

XVI. And be it enacted, That no Poll by this Act authorized to be taken shall be kept open for more than One Day, and that only between the Hours of Nine in the Morning and Four in the Afternoon; and the Poll shall close at any Time after the Lapse of Two Hours without any qualified Person offering to vote.

Poll Books to be provided.

XVII. And be it enacted, That such Magistrate or Sheriff shall direct the necessary Number of Poll Clerks to be appointed, and of Poll Books to be prepared in the Form of Schedule (B.) hereunto annexed, in which Books shall be inscribed by such Clerks the Situation of the Premises in respect of which the Voter is qualified, and the Manner in which he votes, and the Voter shall sign his Name to such Entry or Inscription.

State of Poll to be ascertained and declared.

XVIII. And be it enacted, That as soon after the Close of the Poll as may be the Poll Clerks shall transmit the State of the respective Polls

Polls to such Magistrate or Sheriff, who shall sum up the same, and openly declare the Result of the total Poll at an adjourned Meeting to be held on the next lawful Day; and any Householder present at such adjourned Meeting may then and there demand a Scrutiny, and, on finding Caution or Security to the Satisfaction of such Magistrate or Sheriff for the Reimbursement of the Expenses attending the same, such Scrutiny shall be made by such Magistrate or Sheriff in such Way and Manner as he may deem proper, and shall be reported to another adjourned Meeting to be appointed by such Magistrate or Sheriff, and to be held on a Day not later than the Third Day from such Second adjourned Meeting; and the Result of such Scrutiny as declared by such Magistrate or Sheriff, or, if there be no Scrutiny, the Result of the Poll as originally declared, shall be final, and the Party demanding such Scrutiny shall be liable in the Expense thereof.

Majority necessary to adopt this Act in whole or in part.

XIX. And be it enacted, That any Resolution to adopt the Provisions of this Act, in whole or in part, shall be effectual if it be carried by a Majority of the Persons qualified and voting as aforesaid.

How Minutes of Meeting to be worded if Act adopted in part only.

XX. And be it enacted, That if such Resolution shall be to adopt this Act only in part, the Matter or Matters with respect to which this Act is so adopted shall be set forth and declared in the Minutes of such Meeting in the Words introductory to the Enactment in this Act with respect to such Matter, or it shall be set forth and declared in such Minutes that this Act, with the Exception of the Matter or Matters so described, is so adopted; and it shall not be competent by such Resolution to adopt Part only of the Provisions applicable to a Matter provided for in this Act, but the whole Enactment with respect to such Matter must, if adopted, be adopted entire; and any Adoption of this Act, though in part only, shall infer the Adoption of the Enactments with respect to Commissioners, and shall also infer the Adoption of the Enactments with respect to Assessments, and shall also infer the Adoption of the Enactments with respect to Appeal to the Sheriff in so far as the Enactments relate to the Matter or Matters adopted, and shall also infer the Adoption of every other general Enactment or Enactments applicable to such Matter or Matters, though not specially set forth and declared in such Minutes to be adopted.

If Act not adopted, Proposal may be reconsidered after Two Years.

XXI. And be it enacted, That where any Burgh shall have resolved not to adopt the Provisions of this Act, or shall have adopted them only in part, the Householders thereof may, after the Expiration of Two Years from the Date of any preceding Meeting, but not sooner, by such and the like Proceedings, again take this Act into consideration, and adopt the same in whole or in part, or such Part

Part thereof as may not have been formerly adopted, or determine not to adopt the same.

Where Parliamentary Boundaries include Royal Burgh, Householders may resolve it shall be held as a populous Place.

XXII. And be it enacted, That where the Parliamentary Boundaries of any Burgh include a Royal Burgh, the Householders of which Royal Burgh do not exceed in Number Three Fourths of the Householders within such Parliamentary Boundaries, it shall be competent for any Two Thirds or more of such Householders of such Burgh as are beyond the Limits of such Royal Burgh, and within such Parliamentary Boundaries, present at the Meeting adopting this Act, or at some adjourned Meeting as aforesaid, to resolve that such Burgh shall for the Purposes of this Act be deemed and taken to be only a populous Place, and such Burgh shall thereafter be deemed and taken for the Purposes of this Act as only a populous Place accordingly: Provided always, that in such Case the Magistrates of such Royal Burgh shall, *ex-officio* and along with the Commissioners to be elected in Terms of this Act, be Commissioners for the Purposes of this Act within such Parliamentary Boundaries, anything in this Act to the contrary notwithstanding; and provided also, that it shall not be lawful for the Commissioners to be elected for such Burgh in Terms of this Act to elect any Magistrates of Police, anything in this Act to the contrary notwithstanding, but the Magistrates of such Royal Burgh shall be the Magistrates of Police within such Parliamentary Boundaries.

Where Parliamentary Boundaries include Royal Burgh Act may be adopted in Royal Burgh separately if not adopted within whole Boundaries.

XXIII. And be it enacted, That where the Parliamentary Boundaries of any Burgh which shall have resolved not to adopt this Act in whole or in part include a Royal Burgh, it shall be competent for such Royal Burgh, and for any populous Place within such Parliamentary Boundaries, and without the Limits of such Royal Burgh, to take Measures for adopting this Act within such Royal Burgh and populous Place respectively, in so far as not adopted within such Parliamentary Boundaries.

When Parliamentary Boundaries include Places which might otherwise have separately adopted Act, Provision for their still doing so in certain Circumstances.

XXIV. And be it enacted, That where the Parliamentary Boundaries of any Burgh include One or more Towns or Places which if not included within such Parliamentary Boundaries might have separately adopted this Act, and where such Town or Place, Towns or Places, have a separate Magistracy or separate Magistracies, or a separate Police Act or separate Police Acts, this Act shall not be adopted in whole or in part within such Burgh, unless a Majority not only of the Householders of such Burgh but of the Householders of each such Town or Place who shall be present at the Meeting held in Terms of this Act to consider or determine as to the Adoption of this Act within such Burgh, or who shall vote at the Poll following thereon, shall be in favour of such Adoption; and where in

such Burgh this Act shall not have been adopted in whole or in part by reason of such Majorities not having been obtained, it shall be competent for each such Town or Place to take Measures for the Adoption of this Act separately, in the same Manner as if such Town or Place did not form Part of such Burgh.

Further Proceedings on Act being adopted.

XXV. And be it enacted, That where this Act shall be adopted in any Burgh in whole or in part, the Resolution to adopt it shall not be subject to any further Question; and, except in the Cases after mentioned, and where it may be necessary to provide for the special Election of Commissioners and Magistrates of Police, the Householders thereof present at the Meeting adopting this Act unanimously, or at some adjourned Meeting as aforesaid, shall then and there proceed to determine by a Majority of Votes, and shall set forth in their Minutes, the Number of Commissioners to be elected by the Householders to carry this Act into operation, and also whether such Burgh shall be divided into Wards for the Purposes of this Act, and, if so, the Bounds and Limits of such Wards.

Proceedings to be reported to the Sheriff.

XXVI. And be it enacted, That the Resolutions and whole Proceedings of such Meetings shall be reported to the Sheriff by the Transmission to him of the Minutes of such Meetings, and all Documents laid before the same, within Forty-eight Hours after the Close of the Proceedings aforesaid; and the Sheriff shall, within Forty-eight Hours after the Receipt thereof, pronounce a Deliverance thereon, finding and declaring, as the Case may be, either that this Act has not been adopted, or that the Powers and Provisions thereof (in so far as such Minutes shall show this to have been the Case) have been adopted, and that this Act shall apply to such Burgh in manner therein set forth, and shall forthwith cause such Minutes to be recorded in the Sheriff Court Books of the County, and in the Books (if any be) of the Burgh to which they specially apply; and such Deliverance by the Sheriff shall be final.

Commissioners.

And with respect to Commissioners for the Purposes of this Act, be it enacted as follows:

Number of Commissioners:

XXVII. That the Commissioners for the Purpose of executing this Act, to be elected as herein-after provided, shall be in Number either Six, Nine, or Twelve, as may be determined as aforesaid.

If Burgh divided into Wards.

XXVIII. That where the Burgh shall be divided into Wards as aforesaid, the Number thereof, and the Number of Commissioners to be elected in manner herein-after provided, shall be so settled and adjusted that there shall be Three such Commissioners for each such Ward.

XXIX. That

Commissioners.

Meeting for Election of Commissioners to be convened.

XXIX. That as soon as may be after the Deliverance of the Sheriff declaring that this Act shall apply, in whole or in part, to a Burgh adopting the same as aforesaid, and where Commissioners are to be elected, the Chief or Senior Magistrate or Sheriff, as the Case may be, shall convene a Meeting of the Householders of the Burgh, qualified as aforesaid, in the Town Hall or other convenient Place within the Burgh, or, if the Burgh shall be divided into Wards, at some convenient Place in their respective Wards, to be specified in the Notice to be given of such Meeting, for the Election of Commissioners for the Purpose of executing this Act, all which Meetings shall be summoned in the same Way and Manner and at the same Distance of Time as is provided for the First Meeting to be held in virtue of this Act; and in all such Burghs as shall be divided into Wards in manner herein provided the Ward Meetings shall elect their own Preses; and the Commissioners shall be elected by such Meeting or by such Wards.

Election of Commissioners.

XXX. That such Election shall be proceeded with in manner following; (that is to say,) any Householder of the Burgh shall be eligible to be elected a Commissioner for the Purposes of this Act, and may be proposed at such Meeting by any Householder, and may be seconded by any other Householder; and the Preses of the Meeting shall thereupon ascertain and declare the Resolution thereof in manner aforesaid; and if such Election shall not be unanimous, and if a Poll shall be demanded in Writing, in the Manner before provided, at any Meeting for the Purposes of Election under this Act, such Magistrate or Sheriff or such Preses of such Meeting shall open and proceed with such Poll in the Manner herein-before provided; and such Magistrate or Sheriff or Preses of Wards respectively shall for that Purpose appoint a Clerk, and shall provide a Book in the Form of Schedule (C.) hereunto annexed, in which the Votes shall be entered, and shall declare the Result of such Poll as appearing on such Book; and such Magistrate or Sheriff or Preses shall be reimbursed all such reasonable Charges or Expenses as may be incurred in providing Clerks and Books, and otherwise in the Performance of the Duties hereby required of them, out of the Money assessed and levied under the Authority of this Act.

First Meeting of Commissioners.

XXXI. That the whole Commissioners so returned as aforesaid shall, at Twelve of the Clock Noon on the First *Monday* after such Election, hold their First General Meeting in the Town Hall or other convenient Place within such Burgh, with Power to adjourn to such other Place as they may think fit; and every Person who may consider that he ought to have been returned as a Commissioner may lodge a Complaint in Writing, signed by him or by some Person duly

Commissioners.

duly authorized on his Behalf, with the Commissioners assembled at such Meeting, who shall thereupon remit to a Committee of Three or Five of their Number to inquire into the Merits of such disputed Election, and to report thereon to a subsequent Meeting of the Commissioners, and such Report shall be final; and in case there shall be an Equality of Votes at any Election, the Commissioners shall determine by Vote which of the Candidates shall be preferred; and no Election or Appointment under this Act shall be quashed or set aside on account of any Misnomer, Omission, or other Informality; and every Party returned as a Commissioner shall be entitled to act until, upon a Scrutiny, his Return shall be quashed or set aside; and the Commissioners returned shall be entitled to act, though, by reason of Equality of Votes or otherwise, the full Number of Commissioners may not be filled up; and the Commissioners returned shall be arranged alphabetically according to their Surnames, and where the Burgh is divided into Wards the Commissioners for each Ward shall be kept in separate Lists.

Commissioners to choose a Senior and Two Junior Magistrates of Police.

XXXII. That the Commissioners shall, at such First Meeting or adjourned Meeting, by a Plurality of Voices, (the Commissioner who had the greatest Number of Votes at the Election of Commissioners having a casting or double Vote in case of Equality,) elect from among their own Number a Senior and Two Junior Magistrates of Police.

Commissioners to be elected annually.

XXXIII. That One Third of the Commissioners, or, where the Burgh is divided into Wards, One Third of the Commissioners for each Ward, being in each Case those who are the highest on the List or Lists of Commissioners for the Time, shall go annually out of Office, *videlicet*, on the same Day at the Expiration of a Year on which Commissioners were last elected into Office, or on the next lawful Day thereafter; and on the same or the next lawful Day annually the Places of the Commissioners going out of Office shall be supplied by an equal Number of new Commissioners, to be chosen from among the Householders of the Burgh in the Manner aforesaid, under all the Rules, Regulations, and Provisions applicable to such First Meeting and Election, and where the Burgh is divided into Wards the Place of each Commissioner going out of Office shall in all Cases under this Act be filled up by the Ward which returned him; and the like Notice of each such annual Meeting shall be given as is herein-before directed to be given of such First Meeting for the Election of Commissioners; and the Commissioners elected at each annual Meeting, arranged alphabetically according to their Surnames, shall be placed at the Foot of the List of Commissioners, or, where the Burgh is divided into Wards, at

at the Foot of the List of Commissioners for their respective Wards; and where the Senior Magistrate of Police would in ordinary Rotation be One of the Commissioners going out of Office, but remains to complete the Period of Three Years Service as such Senior Magistrate, another Commissioner, being the highest on the List, or, where the Burgh is divided into Wards, the highest on the List for the Ward by which such Senior Magistrate was elected, shall go out in the Room of such Senior Magistrate.

Commissioners.

XXXIV. That any of such out-going Commissioners may be re-elected: Provided always, that no Person shall be eligible as a Commissioner, or entitled to vote at such Election, who shall have been relieved from the Assessment made on him for the Purposes of this Act for the Year immediately preceding on the Ground of Inability to pay the said Assessment, or by whom any Arrear of any Assessment due under this Act shall at the Time of the Election have been owing for the Space of a Month, and shall since it became due have been demanded, whether such Arrear shall be due by himself or by any Company or Copartnership by which he is authorized to vote; and a Certificate under the Hand of the Collector shall be deemed and taken to be sufficient Evidence of such Arrears or Relief.

Out-going Commissioners may be re-elected.

XXXV. That where any Magistrate of Police elected under this Act shall be in the Third of the Commissioners going out of Office, the Place of such Magistrate of Police shall be supplied by Election by the Commissioners as soon as the full Number thereof shall have been completed by the annual Election of the Third hereby directed to take place; and such Election shall be made by Plurality of Voices, and the Senior Magistrate of Police, or in his Absence the Commissioner whose Name is found highest on the Poll, shall have a double or casting Vote, in case of Equality: Provided always, that the Senior Magistrate shall always remain in Office for the Period of Three Years, and that he, as well as the Junior Magistrates, shall at all Times be capable of being re-elected.

Vacancies in the Magistrates of Police how to be supplied.

XXXVI. That in case the Place of any of the Commissioners or Magistrates of Police elected as aforesaid shall become vacant by Death, Refusal to act, Disqualification, or Resignation, then and in such Cases it shall be lawful for the remaining Commissioners and Magistrates of Police to nominate Persons duly qualified to supply such Vacancies; and each Person so nominated shall have and enjoy the same Powers and Privileges as the Person in whose Stead he is nominated, and shall remain in Office until the next Period of Election, when he shall go out of Office, and the Vacancy shall be supplied by the Householders of the Burgh, or, if the Burgh be divided into Wards, the Householders of the Ward.

Interim Vacancies how to be supplied.

XXXVII. That

Commissioners.

If Electors refuse, &c. to elect, Commissioners previously in Office may.

XXXVII. That if the Electors shall at any Time refuse or neglect to elect the whole or any Part of the Number of Commissioners originally fixed and agreed to, it shall be lawful for the Commissioners who held Office immediately before the Time specified for such Election to supply the Deficiency.

In Royal and Parliamentary Burghs having Magistrates and Councils, such Magistrates and Councils shall be Commissioners for executing this Act.

XXXVIII. That where the Powers and Provisions of this Act shall be, in whole or in part, adopted in any Royal or Parliamentary Burgh having Magistrates and Council, the Magistrates and Council of such Burgh for the Time being shall be the Commissioners for carrying this Act, or such Part thereof as shall be adopted, into operation, as regards such Burgh, and no special Election of Commissioners of Police or Magistrates of Police for such Burgh shall take place under this Act; and the Magistrates of such Burgh shall be the Magistrates of Police thereof, and shall have all the Powers, Privileges, and Jurisdictions of Magistrates of Police under this Act.

In Burghs of Regality or Barony having Magistrates and Councils the Householders may vest such Magistrates and Councils with the Office of Commissioners.

XXXIX. That where the Powers and Provisions of this Act shall be, in whole or in part, adopted in any Burgh of Regality or Barony having Magistrates and Council (not being a Burgh in which as bounded for the Purposes of this Act there shall be included any Territory situated in a different County from that in which such Burgh as previously bounded was situated), it shall be in the Power of the Householders thereof present at the Meeting adopting the same unanimously, or at some adjourned Meeting as aforesaid, to determine by a Majority of Votes, and to set forth on their Minutes, that the Magistrates and Council of the Burgh for the Time being shall always be the Commissioners for carrying this Act, or such Part thereof as shall be adopted, into operation as regards such Burgh; and in that Case, but in that Case only, such Magistrates and Council for the Time being shall always be such Commissioners within such Burgh, and no special Election of Commissioners of Police or Magistrates of Police for such Burgh shall take place under this Act; and the Magistrates of such Burgh shall be the Magistrates of Police thereof, and shall have all the Powers, Privileges, and Jurisdictions of Magistrates of Police under this Act.

Commissioners not to hold Places of Profit under this Act.

XL. That no Commissioner shall, directly or indirectly, derive any Emolument or Profit from any Business or Work of any Description performed or to be performed by him under this Act; nor shall any Commissioner be capable (while he holds Office as such Commissioner) of enjoying any Office of Profit to be created or established by virtue of this Act, or while he has any Share or Interest in any Contract relating to the Execution thereof; nor be capable of standing

standing as a Candidate for any such Office, or be a Competitor for any such Contract, save and except Contracts entered into with any Chartered or Joint Stock Company of which such Commissioner may be a Partner.

Commissioners.

XLI. That the whole Commissioners shall be cited to attend all Meetings, both Special and Statutory, (save only the First Meetings under this Act,) such Citation being given personally, or at their Dwelling Houses or Shops, by written or printed Summonses issued by their Clerk, at least Twenty-four Hours before the Time of meeting; and the Senior Magistrate present, or in Absence of any Magistrate such one of the Commissioners as shall be chosen by the Meeting, shall preside in all Meetings of the Commissioners; and the Preses of all Meetings of the Commissioners shall have both a deliberative and in case of Equality a casting Vote in all Matters which shall come before them: Provided always, that One Third of the Commissioners must be present at all Meetings to constitute a Quorum.

Commissioners to be summoned to attend Meetings.

Quorum.

XLII. That Meetings of the Commissioners shall be held, in such Places as they shall appoint within the Burgh, upon the Second *Monday* of the Months of *February*, *May*, *August*, and *November* in each Year, at Twelve of the Clock Noon.

Statutory Meetings of Commissioners.

XLIII. That the Clerk to the Commissioners, on Requisition being made to him, stating the Object of the intended Meeting, in Writing and signed by Two of the Commissioners, shall cause Special Meetings to be called within Forty-eight Hours and to be held within Four Days after such Requisition, and shall cause the whole Commissioners to be summoned to attend such Meetings by printed or written Summonses containing a Copy of such Requisition.

Special Meetings may be called on Requisition.

XLIV. That no Rules or Regulations shall be adopted or carried into Execution by any Special Meeting which shall tend to alter or annul any Rules or Regulations which may have been made and framed at any of the Four Meetings hereby appointed to be held annually.

Special Meetings not to annul Rules made at Statutory Meetings.

XLV. That the Commissioners may adjourn to any other Day, Hour, and Place within the Bounds before described.

Meetings may be adjourned.

XLVI. That at all and each of the Meetings to be held in virtue of this Act the Commissioners present shall defray their own Expenses.

Commissioners to defray their own Expenses.

XLVII. That

Commissioners.

Power to appoint Committees.

XLVII. That the Commissioners shall have Power to form Committees of their Number, either with Directions to report to the Commissioners, or for carrying the various Purposes of this Act into execution, and to delegate to such Committees the Powers competent to the Commissioners under this Act, in whole or in part, with regard to the Subject which may be remitted, to name the Convener, and to fix the Numbers of such Committees who shall form a Quorum; and the Convener who shall preside at such Committee shall be entitled to a casting Vote in case of Equality, and to convene the Members by Notices in the Way he shall think most convenient.

Powers and Duties of Commissioners.

XLVIII. That the Commissioners shall, in such Manner as to them shall seem best for the Purposes of this Act, estimate, assess, levy, and apply the Sums of Money hereby authorized to be raised for the Purposes of this Act, and shall have Power, at such Times as they shall appoint, and from Time to Time, to order and direct Lists to be taken of the Inhabitants of the Burgh, and of the Value of Premises situate therein, and to appoint a Superintendent of Police, at a fixed annual Salary, and also to appoint, at such Salaries as they shall judge meet, Clerks, Treasurers, Collectors, Surveyors, and all other Persons whose Appointment is not herein otherwise provided for, to be employed in the Execution of this Act, and to remove and suspend such Clerks, Treasurers, Collectors, Surveyors, and other Persons at Pleasure, and to fix the Number and Description of Officers to be employed in the Execution of this Act, and the Wages to be paid to them respectively, whether appointed by themselves or not, and to increase or diminish their Numbers from Time to Time as they shall see Cause, and to make Orders and Regulations for their Government; and the Commissioners shall have Power also, with the Consent of the Proprietors, to purchase such Lands and Premises as shall be required for the Purposes of this Act, and shall also have full Power and Authority to make all necessary Rules, Orders, and Regulations relative to the watching, lighting with Gas or otherwise, paving, and cleansing the Streets, Roads, Lanes, Passages, or public Ways or Places within the Burgh, or to the Supply and Distribution of Water and Gas to the same, in so far as the Powers of this Act may apply to these Objects in the Burgh, and for the Prevention of infectious Diseases, and putting down and removing such Nuisances as may affect the Health of the Inhabitants, and for carrying fully into effect all the Objects and Purposes and Provisions of this Act, and shall enact Penalties for enforcing the same, not exceeding in any Case the Sum of Twenty Shillings, and execute the whole other Matters specified in this Act and committed to their Charge: Provided always, that the Rules and Regulations so to be made shall not be contrary to the Law of *Scotland*, or to anything in this Act contained.

XLIX. That

Commissioners.

Commissioners may contract for Execution of Works.

XLIX. That the Commissioners, or any Committee of their Body thereunto especially empowered, may contract with any Person for carrying into execution any of the Operations hereby authorized; and such Contract shall be signed by the Preses and Clerk in Name of the Meeting at which such Agreement or Contract shall be made.

Property vested in Commissioners.

L. That the Monies arising from the Assessment hereby authorized to be levied, and all other Property acquired by the Commissioners in pursuance of the Powers hereby granted, shall be and the same are hereby vested in the Commissioners and their Successors, for the Uses and Purposes mentioned in this Act, and for no other Purpose whatever.

Clerk to be appointed.

LI. That the Commissioners shall appoint a Clerk for keeping the Books and Records of the Commissioners and their Committees; which Book or Records, being signed by the Preses of each respective Meeting, or any Copy or Extract therefrom, authenticated by the Signature of the Clerk, shall be received as Evidence in all Courts whatsoever in any Case or Matter concerning this Act, and shall be open to the Inspection of any Person interested therein, without Payment of any Fee or Reward; and the Clerk shall, when required, give certified Copies or Extracts therefrom to all Persons requiring the same, upon Payment of such reasonable Sum as shall be fixed by the Commissioners, not exceeding One Shilling for every Three hundred Words.

Clerk not to be concerned as Agent, &c. in any Prosecution under this Act.

LII. That no Person who may be appointed the Clerk in the Execution of this Act, or the Partner of any such Clerk, or any Person in the Employ of such Clerk or of his Partner, shall act as Agent or Solicitor in the Trial of any Offence committed within the Limits of the Burgh as fixed for the Purposes of this Act; and in the event of a Contravention of such Provisions, such Clerk shall be thenceforth disqualified from holding any Office whatever under this Act, and from acting as a Commissioner under this Act.

Treasurer and Collector to be appointed.

LIII. That the Commissioners shall in like Manner at their First Meeting elect and appoint a Treasurer and Collector to act during their Pleasure; and such Collector and Treasurer, before they shall be permitted to take upon them the Execution of their Office shall respectively grant Bond, with sufficient Sureties, to the Commissioners, for their Intromissions, and for the just and faithful Execution of their Office, to such an Amount as the Commissioners shall think reasonable; and any Collector or Treasurer who may be convicted of wilfully secreting or not accounting to the Commissioners

 for

Commissioners.

for any Sum of Money received by him as Collector or Treasurer shall forfeit Triple the Amount thereof to the Commissioners.

Allowance to Clerk, Treasurer, and Collector.

LIV. That the Commissioners may allow reasonable Salaries to the Clerk and Treasurer, and the Collector shall be allowed for his Trouble in collecting Assessments authorized to be levied under this Act a Sum not exceeding the Rate of Five Pounds *per Centum* upon all such Sums of Money as he shall collect and receive.

Collector to lodge all Monies received by him in Bank.

LV. That such Collector shall be obliged to lodge all Money received by him in a chartered or other Bank, or in one of the Branches of such Bank in the Burgh, to be fixed by the Commissioners, upon an Account to be opened in the Name of the Commissioners, and to be operated upon by the Treasurer for the Time; and such Treasurer shall make no Drafts on the said Account for any private Purpose on any Pretence whatever, nor for any other Purpose than the Payments which shall from Time to Time be authorized by the Commissioners or their Committees for the Purposes of this Act, as the same shall be certified to the said Treasurer by the Clerk to the Commissioners, who shall countersign all such Drafts.

On Insolvency of Treasurers or Collectors, Deficiency may be assessed.

LVI. That in case any Treasurer or Collector shall become insolvent, and the Sums chargeable against him shall not have been paid by his Cautioners or Sureties, then and in every such Case the Sum deficient shall be assessed upon the Burgh at the next annual Assessment in the Manner herein prescribed with regard to annual Assessments, and shall be payable at such Time as the Commissioners shall appoint; and in case of Failure in Payment, the same Proceedings shall be competent as are hereby directed in case of Failure in Payment of the annual Assessment.

Treasurer and Collector may be same Person; but Clerk and Treasurer not to be same Person.

LVII. That it shall be lawful for the Commissioners to appoint the same Person to be both Treasurer and Collector for the Purposes of this Act; but it shall not be lawful for the Commissioners to appoint any Person who may be appointed their Clerk in the Execution of this Act, or the Partner of such Clerk, or any Clerk or other Person in the Service or Employ of such Clerk or of his Partner, to be the Treasurer for the Purposes of this Act, or to appoint any Person who may be appointed Treasurer, or the Partner of such Treasurer, or any Clerk or other Person in the Service or Employ of such Treasurer or of his Partner, to be the Clerk to the Commissioners for the Purposes of this Act; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of such Clerk, or the Clerk or other Person in the Service

Service or Employ of such Clerk or of his Partner, shall accept the Office of Treasurer, or shall act as Deputy of the Treasurer, or in any Manner officiate for the Treasurer, or being the Treasurer or the Partner of such Treasurer, or the Clerk or other Person in the Service or Employ of such Treasurer or of his Partner, shall accept the Office of Clerk in the Execution of this Act, or shall act as Deputy of such Clerk, or in any Manner officiate for such Clerk, or if any Treasurer shall hold any Place of Profit or Trust under the Commissioners other than that of Treasurer, every Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person who shall sue for the same, to be recovered, with full Expenses, in the same Manner as any of the Penalties by this Act imposed may be sued for and recovered.

Commissioners.

LVIII. That all Actions, Suits, or Proceedings in respect of any Matter or Thing relating to the Execution of this Act to be brought by or against the Commissioners shall be in the Name of their Clerk or Treasurer or Collector for the Time being, as the Party, Pursuer or Defender, representing the Commissioners; and no Action, Suit, or Proceeding wherein the Commissioners shall be concerned as Pursuers or Defenders in the Name of their Clerk or Treasurer or Collector shall cease or abate by the Death, Resignation, or Removal of any such Clerk or Treasurer or Collector, or by any Change in the Persons holding Office as Commissioners, but the Clerk, Treasurer, or Collector to the Commissioners for the Time being shall be deemed to be the Pursuer or Defender, as the Case may be, in every such Action, Suit, or Proceeding.

Actions by or against Commissioners, how to be brought, and not to abate.

LIX. That Accounts of all Property, Heritable and Moveable, vested in the Commissioners, showing the Nature of such Property, and of all Money received and disbursed, and all Orders and Proceedings of the Commissioners, shall be kept in Books by their Clerk; and all such Books of Accounts and Proceedings whatsoever may at all seasonable Times be inspected and perused, without Fee or Reward, by any Person assessed, and also by any Person entitled to any Money due and owing on the Credit of such Assessment; and such Persons may take Copies of or Extracts from any of such Books, Accounts, and Proceedings, and the said respective Assessments, without Fee or Reward; and any Person in whose Custody or Power any such Books, Accounts, and Proceedings are, who shall refuse Inspection thereof, or to permit Copies or Extracts to be taken as aforesaid, shall be liable in a Penalty not exceeding Ten Pounds; and in case any Person who shall be assessed shall be dissatisfied with any Accounts which shall have been made up as aforesaid, or with any of the Items or Articles contained in any such

Books of Accounts and Proceedings to be kept by Commissioners.

Commissioners.

such Accounts, such Person may complain against the same by Petition to the Sheriff, in which Complaint shall be specified the Grounds of Objection to such Accounts, Items, or Articles; and the Sheriff shall proceed to hear and determine the Matter of such Complaint, and his Decision shall be final.

Account of Receipt and Application of Monies to be made out by Commissioners, and printed and published.

LX. That the Commissioners shall yearly, and previous to their Statutory Meeting in the Month of *February* in each Year, cause to be made out a just and accurate Account of all the Monies received and expended in the Execution of this Act, showing from what Sources such Monies have been received, and to what Purposes the same have been laid out and applied; and which Account, so soon as the same shall have been audited as herein-after provided, shall be signed by Two of the Commissioners and the Clerk, and shall be deposited with the Clerk, who shall forthwith cause to be printed, and inserted in One or more of the Newspapers published or circulated in the Burgh, authenticated Abstracts of such yearly Accounts, and shall permit any Person assessed under this Act to inspect and examine such Accounts at all seasonable Times, without Payment of any Fee or Reward for such Inspection.

Auditors to be appointed.

LXI. That the Commissioners shall, at their Statutory Meeting in the Month of *February* in each Year, appoint Two or more Persons, not being Commissioners, to be Auditors of the Accounts of the Commissioners, and may pay to such Auditors a reasonable Remuneration for their Time and Trouble, not exceeding Two Guineas each for every Day they shall be fully employed on such Audit, and all such Expenses as such Auditors shall be put to attending the auditing of the said Accounts; and if any Dispute arise as to the Amount of the Remuneration and Expenses to be paid to such Auditors, it shall be settled by the Sheriff, whose Decision shall be final.

Auditors to inspect Accounts, and may appeal against Part of the same if they think fit.

LXII. That the Auditors so appointed shall attend as soon as conveniently may be after the said annual Meeting at the Office of the Commissioners, or at some other convenient Place to be appointed by the Commissioners, and from Time to Time shall proceed to audit the Accounts of the Commissioners for the Year preceding the said annual Meeting; and the Commissioners shall lay before such Auditors the Accounts for such Year, accompanied with proper Vouchers in support of the same, and all Books, Papers, and Writings in their Custody or Power relating thereto; and any Person interested in the said Accounts, either as a Creditor or as a Rate-payer, may be present at the Audit of such Accounts, by himself or his Agent, and may make any Objection to any Part of such Accounts; and if such Accounts be found correct such Auditors shall sign the same in token of their Allowance thereof, but if such Auditors think there is just

just Cause to disapprove of any Part of such Accounts, they shall make such Abatements from or Alterations of such Accounts as to them shall seem just, and in either Case shall ascertain and fix the Balance arising on such Accounts; and if the Commissioners be dissatisfied with the Result of such Audit they may appeal to the Sheriff, whose Decision shall be final: Provided always, that unless the Balance as ascertained and fixed by the Auditors shall be appealed to the Sheriff within Fourteen Days from the Date of such Ascertainment, such Balance shall be final and conclusive, and not subject to Review.

Commissioners.

And with respect to General Assessments under this Act, be it enacted as follows:

General Assessments.

LXIII. That once in each Year the Commissioners (being summoned in manner herein-before directed by written or printed Summonses, which shall state that the Meeting is for the Purpose of laying on an Assessment,) shall assess all Occupiers of Premises within the Burgh in the Sums necessary to be levied for the Purposes of this Act, other than by way of Private or District Assessments, and shall fix a Day, not being less than Three Months from the Date of laying on such Assessment, on which the same shall be payable, and another Day, not being less than One Month preceding the Day on which such Assessment is so made payable, on or before which Appeals by any Parties, complaining that they have been improperly assessed, may be lodged with the Clerk, and another Day or Days on which Appeals shall be heard; and the Rate of Assessment, and Days, so fixed by the Commissioners, shall be published by Handbills posted in the Burgh, and by Advertisement in any Newspaper circulating therein (if any be), or otherwise in some Newspaper circulating in the County in which the Burgh is situated; and the Decision of the Commissioners on such Appeals shall be final: Provided always, that such Assessment other than Private and District Assessments shall not in any Year exceed the Rate of Two Shillings and Sixpence in the Pound where the Enactments of this Act with respect to Water have been adopted, or the Rate of One Shilling and Sixpence in the Pound where such Enactments with respect to Water have not been adopted.

Commissioners to make Assessment for the Purposes of this Act.

LXIV. That the Commissioners shall not assess any Premises which shall be unoccupied or unfurnished from one Term of *Whitsunday* to another Term of *Whitsunday*, nor the Town House of the Burgh, nor any Place used solely for Public Worship, nor any Buildings which are solely occupied for the Purposes of Religion, or of public Charity, or of Education, or which are exempted from County, Borough, Parochial, or other local Rates or Cesses by the Provisions of

Exceptions from Assessments.

General Assessments.

6 & 7 Vict. c. 36.

of an Act passed in the Session of Parliament held in the Sixth and Seventh Years of Her present Majesty, intituled *An Act to exempt from County, Borough, Parochial, and other local Rates, Land and Buildings occupied by Scientific or Literary Societies.*

Common Good to contribute towards the Purposes of this Act.

LXV. That when the Provisions of this Act shall have been adopted in any Burgh possessed of any free Income arising from the Common Good of such Burgh, after Deduction of the Interest of any Debt which such Burgh may owe, and also the necessary annual Outgoings of such Burgh, there shall be annually contributed therefrom such a reasonable Proportion towards the Purposes of this Act as the Town Council of such Burgh, having due Regard to the Extinction of the Capital of such Debt, shall think just: Provided always, that if any Six or more Inhabitants liable in Assessment under this Act shall think proper, such Inhabitants may require, by Notice in Writing, that the Amount of such Contribution shall be submitted to the Decision of the Sheriff, who is hereby required thereupon to repair to such Burgh, and to inquire into all Facts and Circumstances which he may deem material, and to take in Writing the Statements of Parties, and such Evidence as he shall think necessary, and such Sheriff shall decide as to the Amount of such Contribution to be paid from the Common Good of such Burgh, and such Decision shall be recorded in the Books of the Burgh, and also in the Books of the Commissioners: Provided also, that in the event of any Change of Circumstances operating either towards the Increase or Diminution of the free Income of such Burgh, it shall be competent either to the Town Council or to the said Inhabitants, after the Expiration of Three Years after the Date of any such Decision, or Three Years after the Date of any after Decision, to propose an Amendment or Rectification of the existing Contribution; and in case of Disagreement between the Town Council and Inhabitants the Amount shall again be submitted to the Decision of the Sheriff; and the Decision of the Sheriff in both of the Cases above mentioned shall, subject to the foresaid Proviso, be final, and not subject to Review.

Contribution how to be recovered.

LXVI. That the Sum which the Burgh shall thus agree to, or shall be directed to contribute annually as aforesaid, shall be recoverable by such and the like Process as Debts due from the Common Good of Royal Burghs in *Scotland* may now by Law be recovered.

Occupiers to pay Assessments.

LXVII. That the said Assessment shall be levied from the actual Occupiers of all Premises (whether Proprietors or Tenants); but in the Cases of Premises let at a Rent under Five Pounds, or for a less

less Period than Half a Year, the Person by whom the Assessment shall be paid shall be entitled to deduct the same from the Rent payable to the Person by whom the said Premises shall be so let, who shall be liable for such Assessment, and from whom the same may be levied, in case of the Removal or Default of the actual Possessor of such Premises; and Deduction shall be allowed by the Commissioners of the Assessment for each entire Period of Six Months from *Whitsunday* to *Martinmas*, or from *Martinmas* to *Whitsunday*, during which any such Premises shall be unoccupied or not furnished: Provided always, that where Premises are let to One or more Persons at a Rent or Rents not exceeding Five Pounds, payable by each such Person respectively as his own Rent or proper Share of Rent, and where the Assessments payable by the Occupier under this Act shall not have been recovered from such Occupier, it shall be lawful for the Commissioners to recover such Assessment from the Owner.

General Assessments.

LXVIII. That the Collectors of Poor Assessments shall furnish the Commissioners, as often as they shall require the same, with a List of the Names of all Occupiers of Premises situated within the Burgh, certified as aforesaid, and on Payment of such Fee as is before provided; and in like Manner the Clerks of such Burghs as are included in the said recited Act of the Second and Third Year of the Reign of His Majesty King *William* the Fourth shall, upon Requisition, furnish the Commissioners with a List of the Persons qualified to vote in such Burgh for a Member of Parliament.

Names of Occupiers to be furnished by Collectors of Poor Assessments, &c.

LXIX. That the Commissioners shall annually cause to be made up a Roll or Book of Assessment, showing the yearly Rent or Value of the whole Premises in the Burgh liable to be assessed under this Act, and according to which the Assessments under this Act are intended to be levied; and such Roll or Book of Assessment shall be open to Inspection by all Rate-payers, in the Hands of the Clerk, during the whole Period which shall intervene between the Date of laying on the annual Assessment and the Day appointed for hearing Appeals against the same; and the Commissioners shall have Power to rectify or alter any Valuation of Premises against which an Appeal may be taken by the Person liable to be assessed therefor, by Letter to the Clerk lodged with him on or before such Day as the Commissioners shall at the Time of laying on the Assessment appoint as aforesaid.

Assessment Roll to be made up; and Appeals how to be entered and disposed of.

LXX. That the Commissioners may, on the Ground of the Poverty or Inability to pay of any Person liable in Assessment under this Act, remit, in whole or in part, Payment of the said Assessment

Commissioners may grant Relief from Assessment in case of Poverty.

General Assessments.

ment by such Person, in such Manner as the Commissioners shall in their Discretion think just and reasonable, but upon no other Account whatsoever.

Assessment Roll to be delivered to the Collector.

LXXI. That as soon as may be after disposing of the Appeals in each Year the said Roll or Book of Assessment, as finally adjusted by the Commissioners, or a Copy thereof, docqueted and signed by any Two of their Number, shall be delivered over to the Collector, as the Rule for levying and collecting the annual Assessment under this Act.

Recovery of Rates.

LXXII. That if any Assessment is not paid when the same falls due, the Commissioners may authorize the Collector, by a Docquet to that Effect endorsed on the said Roll or Book of Assessment, and signed by any Two of their Number, to take legal Proceedings for recovering from the different Parties liable therein and remaining in arrear; and thereupon the Collector may present the said Roll or Book of Assessment, or a Copy thereof, docqueted and signed and endorsed as aforesaid, to any One of the Magistrates of Police or other Magistrates of the Burgh, who is hereby authorized and required to grant such summary Decreets and Warrants as may be necessary for levying the same; and where any Person so rated and assessed as aforesaid shall refuse or neglect to pay the Assessment charged upon him, for the Space of Ten Days next after the same shall be due and demanded by the Collector, it shall be lawful for the Collector to apply to any such Magistrate for a Warrant to any of the Officers of the Burgh to enter any Premises rented or possessed by the Person assessed and refusing and neglecting as aforesaid, and to seize and take possession of his Goods and Effects, and which Warrant such Magistrate is hereby authorized and required to grant, upon a Certificate, signed by the Collector or Person who made the Demand, of such Demand having been made, and of such Person assessed being in arrear to the Amount stated in the Certificate; and if such Assessment shall not be paid within Three Days after such Seizure is made, together with the Charges and Expenses thereby incurred, then the Collector is hereby authorized to sell by public Roup, either on the Premises where the said Goods were seized or any other Place, the whole or such Part of the said Goods or Effects as shall be sufficient to pay the said Assessment, with the Expenses attending such Seizure and Sale, returning the Surplus, if any be, to the Owner; and the Collector shall be bound to preserve the Warrants of such Seizures or Sales, and enter in a Book to be kept for that Purpose the Names of the Parties proceeded against, the Assessment due, the Expense of the Proceedings, and the true Proceeds of each Sale, which Book shall be open to the Inspection

General Assessments.

tion (without any Fee) of all Parties interested, for Three Months after the Date of each Sale respectively; and at any Time within that Period it shall be competent to any Party considering himself aggrieved to complain to any such Magistrate of anything done unjustly or oppressively in regard to such Seizure or Sale, such Complaints being made in the Form of Petitions subscribed by the Complainer, and the Decision of such Magistrate shall be final; or otherwise the Collector shall be and he is hereby authorized and empowered to prosecute for and recover all or any Part of such Assessment in arrear before the Sheriff's Small Debt Court, or otherwise according to Law; and no Misnomer, Mistake, or Informality committed in any Proceedings for Recovery of any Assessment under this Act shall prejudice the Recovery of such Assessment and Expenses, nor shall such Proceedings fall, lapse, cease, or abate by the Death, Resignation, or Removal of the Collector instituting the same, or by any Change in the Persons holding Office as Commissioners, but it shall be lawful for the Collector for the Time to prosecute and follow forth Procedure commenced and carried on in the Name of any previous Collector in all respects as if such Procedure had been taken by himself: Provided always, that it shall not be competent for any Person to sue, nor for any Court of Law to entertain, any Action or Proceeding against the Commissioners, or the Collector or Officers or other Persons employed in executing any Warrant in reference to any Assessment under this Act, by reason of any Mistake, Informality, or Misnomer, if the Goods or other Effects seized or sold under such Warrant were *bonâ fide* the Property or in the lawful Possession of the Person actually liable in Payment of such Assessment under the Provisions of this Act.

Private and District Assessments.

And with respect to Private and District Assessments under this Act for Sewers, Drains, and private Improvements, be it enacted as follows:

Commissioners may assess for Private Improvement Expenses.

LXXIII. That where by this Act the Occupiers of any Premises are made liable to the Payment of any Expenses which are directed to be recoverable as Private Improvement Expenses, the Commissioners may charge the Occupiers of such Premises respectively with special Rates, over and above any other Rates to which such Persons may be liable under this Act, after the yearly Rate of Six Pounds Ten Shillings in the Hundred Pounds on the Cost of such private Improvements respectively, such special Rates to be payable during Thirty Years next after such Expenses have been incurred.

Where new Sewers are made Commissioners

LXXIV. That whenever any new Sewer shall be made the Commissioners may charge the Occupiers of all Premises liable to contribute to the Rates for making the same with special Sewer Rates, over

Private and District Assessments.

may make special Sewer Rates.

over and above any other Rates to which such Persons may be liable under this Act, after the yearly Rate of Six Pounds Ten Shillings in the Hundred Pounds on the Cost of making such new Sewer, such special Sewer Rates to be payable during Thirty Years next after such Expenses have been incurred.

Commissioners may make a general Sewer Rate distinct from other Rates.

LXXV. That the Commissioners may make a Sewer Rate, to be called the general Sewer Rate, distinct from any other Rate which they may be authorized to make under this Act, and the Money to be raised by such general Sewer Rates shall be applied in maintaining and clearing the Sewers, and all other Expenses connected with such Sewers not herein otherwise provided for, or which may not be fully defrayed by the special Sewer Rates, and for securing and paying off any Monies which may be borrowed for the Purposes aforesaid on Security of the special Sewer Rates under the Provisions of this Act, and the Interest of such Monies which the special Sewer Rates shall be insufficient to defray.

Sewer Rate to be of such Amount as to pay off Monies borrowed thereon in Thirty Years.

LXXVI. That the Commissioners shall from Time to Time make the general Sewer Rate of such Amount as will with the special Sewer Rates raise Money sufficient not only to defray the current Expenses of maintaining the Sewers that shall have been purchased or made, but also to keep down the Interest of any Monies borrowed on Security of the special and general Sewer Rates, and to pay off the Principal of such Monies within a Period not longer than Thirty Years.

Cases where Rates may be charged upon separate and distinct Districts.

LXXVII. That where by this Act the Commissioners are authorized to order that any Rate shall be levied by Assessments to be made for separate and distinct Districts, the Commissioners from Time to Time may order Assessments to be made in respect of the Rates authorized to be so levied upon separate and distinct Districts, and in such Case the Commissioners shall cause their Surveyor to describe and define in the Plan of the Burgh every such separate and distinct District for the Purposes of separate Rating as aforesaid, and so from Time to Time as Occasion shall require.

Rates to be levied on separate and distinct Districts.

LXXVIII. That the Commissioners may in such Case, instead of making One Assessment for the whole Burgh, make separate and distinct Assessments, as Occasion shall require, for every such separate and distinct District respectively, and may appoint, if they see fit, Surveyors, Collectors, and other Officers for every such District, and they shall cause separate and distinct Accounts to be kept of all Monies collected and received under any Rate in each distinct District, and of all Payments and Disbursements in respect thereof, and they

they shall apply the Monies to be collected and received from each distinct District under any such Rate as aforesaid for the several Purposes to which the same may be lawfully applied under the Authority of this Act, but so nevertheless that each District shall, as near as may be, bear its own Expenses; and in case any such Expenses shall apply to or be incurred in respect of Two or more Districts, the same shall be apportioned and divided between such Districts in a fair and equitable Manner.

Private and District Assessments.

LXXIX. That in all Cases when the Commissioners have paid or become liable to the Payment of any Expenses in constructing or laying any Drain or Pipe from any House or Building, or in providing any Privy, Ashpit, or Cesspool for the Use of the Occupiers thereof, and when neither the Owner nor Occupier of such House or Building is willing to defray the said Expenses forthwith, the Commissioners shall lay Drainage Rates on the Occupiers of such Houses and Buildings respectively, to be continued for Six successive Years and no longer; and the Sum to be annually levied by every such Drainage Rate shall be One Fifth Part of the whole Expense incurred in constructing, laying, or providing such Drain, Privy, Ashpit, or Cesspool as aforesaid, and shall be applied in satisfaction thereof; and the Amount of any such Drainage Rate may be added to any other Rate levied from the Occupiers of such Houses and Buildings, and recovered therewith by the like Ways and Means.

Drainage Rates.

LXXX. That every Occupier of any such House or Building at a Rent not less than the Rack Rent who has paid any such Drainage Rate shall be entitled to deduct Three Fourths of the Rate so paid by him from the Rent payable by him to his Landlord; and every Occupier at a Rent less than the Rack Rent who has paid any such Drainage Rate shall be entitled to deduct from the Rent payable by him to his Landlord such Proportion of Three Fourths of the Rate so paid by him as the Rent payable by him bears to the Rack Rent.

Occupiers may deduct a Proportion of Drainage Rate from their Rent.

LXXXI. That, without the written Consent of the Owner of any such House or Building, the Commissioners shall not be empowered to expend during any Term of Six successive Years more in the whole than One Year's Rack Rent thereof in constructing or laying any such Pipe or Drain, or in providing any such Privy, Cesspool, or Ashpit.

Limitation of Expenditure for House Drains, &c.

LXXXII. That all Private and District Assessments leviable under this Act may be imposed and levied yearly, half-yearly, or at such other Periods as the Commissioners think fit, and shall be payable

Assessment how to be imposed, and how Appeals

Private and District Assessments. — to be entered and disposed of.

payable at such Times as they appoint; and at the Meeting imposing the same the Commissioners shall appoint a Day on which such Assessments shall be payable, and another Day on which Appeals by any Parties complaining that they have been improperly assessed may be lodged with the Clerk, and another Day or Days on which Appeals in reference to such Assessments shall be heard by the Commissioners; and Notice to each Party intended to be so assessed, stating the Particulars of the intended Assessment as regards such Party, and specifying the several Days fixed by the Commissioners as aforesaid, shall be sent by the Clerk through the Post Office at least Four Weeks preceding the Day which may be fixed for hearing the Appeal of such Party, and the Decision of the Commissioners upon all such Appeals shall be final; and the Commissioners may rectify or alter any Private or District Assessment as regards any Person liable to be assessed therefor, by whom an Appeal may be taken by Letter to the Clerk, lodged with him on or before such Day for lodging Appeals as the Commissioners shall have fixed as aforesaid: Provided always, that it shall be lawful for any Person considering himself aggrieved by any Private or District Assessment imposed as aforesaid to appeal from the Decision of the Commissioners to the Sheriff in the Manner and to the Effect herein-after mentioned.

Recovery of Private and District Assessments.

LXXXIII. That as soon as may be after disposing of the Appeals against any Private or District Assessment, the Commissioners shall cause to be made up a Roll or Book of Assessment applicable thereto, and the same, or a Copy thereof, docqueted and signed by any Two of the Commissioners, shall forthwith be delivered over to the Collector as the Rule for levying and collecting the said Assessments; and if the said Assessments shall not be paid when the same fall due, the Commissioners may authorize the Collector, by a Docquet to that Effect endorsed on the said Roll or Book of Assessment, and signed by any Two of their Number, to take legal Proceedings for Recovery of the same; and the Collector may present such Roll or Book of Assessment, or a Copy thereof, docqueted, signed, and endorsed as aforesaid, to any One of the Magistrates of Police, or other Magistrates of the Burgh, and thereupon the whole Provisions of this Act in reference to the Recovery of any other Assessments by this Act authorized shall apply to and be available for the Recovery of such Private and District Assessments.

Application of surplus Assessment.

LXXXIV. That if any Surplus of the Assessment for General Purposes under this Act, or any Surplus of any other Assessment under this Act, shall remain at the End of any Year, after the whole Expenses for which such Assessment was imposed and levied shall have

have been paid or provided for, every such Surplus respectively shall be applied towards the same Purpose in the Year following, so that such Assessment may be proportionally diminished; and if any such Assessment for any Year shall not be sufficient for the Purpose for which it was imposed and levied, the Commissioners shall and they are hereby authorized and required to make Provision for the Payment of such Deficiency in the following and subsequent Years until the same shall be fully paid: Provided always, that the Rates hereby authorized to be levied shall in no One Year be exceeded.

Private and District Assessments.

And with respect to the Police of Burghs, and to the Appointment, Powers, Duties, and Privileges of Constables, be it enacted as follows:

Constables, &c.

LXXXV. That the Commissioners shall from Time to Time appoint, at a fixed annual Salary, a Superintendent of Police, who shall not be removable or subject to have his Salary diminished by the Commissioners, unless with the Approbation of the Chief Magistrate of the Burgh and the Sheriff, or, in case of their differing in Opinion, of Her Majesty's Advocate for the Time being; and as often as the Commissioners shall fix the Number of Constables which they shall judge necessary for the Burgh, the said Superintendent of Police is hereby authorized and empowered to appoint proper Persons for the above Duty, and to direct their Distribution within the Burgh, and to remove them at Pleasure.

Appointment of Superintendent of Police and of Constables.

LXXXVI. That it shall be the Duty of the Superintendent of Police, and of the Constables to be appointed by him, to guard, patrol, and watch within the Burgh, according to the Regulations to be prescribed by the Superintendent of Police under the Control of the Commissioners, to bring before the Magistrates of Police all Persons who may be found within the Burgh actually committing any criminal, riotous, or disorderly Conduct or Act, or accused or suspected of having committed Crimes, Delinquencies, or Offences, of whatsoever Description, and at what Place and Period soever the same may have been or are suspected to have been committed, whether the same be of such a Kind as can be competently tried before the Magistrates of Police, or be of a Nature requiring to be remitted for Trial before a higher Tribunal, or which, from having been committed beyond the Bounds of the Burgh, fall to be tried in another Jurisdiction, and to carry into full Effect the whole Provisions and Regulations herein contained, and any Rules, Regulations, or Bye Laws which may be made under this Act for the proper guarding, patrolling, and watching within the Burgh; and the Superintendent of Police and Constables shall at all Times afford their Aid and Assistance

Duties of Superintendent of Police and Constables.

Constables, &c.

tance to the Magistrates of Police, and all other Judges and Magistrates having Jurisdiction within the Burgh, in all Matters relating to the Preservation of Peace and good Order, the Suppression of Nuisances, and the Removal of Obstructions within the Burgh; and they shall give Attendance at the Police Courts of the Burgh, and, when required, at all Meetings of the Commissioners or their Committees, and furnish them with all Explanations relating to Matters falling within their several Departments of Duty.

Powers and Privileges of Superintendent of Police and Constables.

LXXXVII. That the Superintendent of Police and Constables shall have all the Powers and Privileges appertaining for the Time being to any Constable by the Law of *Scotland*, as well as all the Powers and Privileges specially conferred on Constables by this Act; and the Superintendent of Police shall be a Constable within the Meaning of this Act.

Constables not to resign without Leave or Notice.

LXXXVIII. That no Constable appointed under this Act shall resign his Office, or withdraw himself from the Duties thereof, unless expressly allowed so to do in Writing by the Commissioners or by the Superintendent of Police, or until after he has given to the Superintendent of Police One Month's Notice; and every Constable who so resigns or withdraws himself without such Leave or Notice shall be liable to forfeit all Arrears of Pay then due to him, or to a Penalty of not more than Five Pounds, or to Imprisonment for a Period not exceeding Fourteen Days.

Constables dismissed to deliver up Accoutrements.

LXXXIX. That every Constable appointed under this Act who is dismissed from or ceases to hold and exercise his Office shall forthwith deliver over to the Superintendent of Police, or to such Person and at such Time and Place as the Commissioners direct, all the Clothing, Accoutrements, Appointments, and other Necessaries which have been supplied to him for the Execution of his Duty, under pain of Imprisonment, with or without hard Labour, for any Time not exceeding One Month; and the Sheriff or any Magistrate may grant Warrant to search for and seize, for the Use of the Commissioners, all the Clothing, Accoutrements, Appointments, and other Necessaries not so delivered over, wherever the same are found.

Penalty for unlawful Possession of Accoutrements, or for assuming the Dress of Constables.

XC. That every Person who, not being at the Time a Constable appointed under this Act, has in his Possession any Article being Part of the Clothing, Accoutrements, or Appointments supplied to any such Constable, and who is not able satisfactorily to account for his Possession thereof, or who puts on the Dress or takes the Name, Designation, or Character of any Person appointed as such Constable, for the Purpose of thereby obtaining Admission into any House

House or other Place, or of doing or procuring to be done any Act which such Person would not be entitled to do or procure to be done of his own Authority, or for any other unlawful Purpose, shall, in addition to any other Punishment to which he is liable for such Offence, be liable to a Penalty not exceeding Ten Pounds.

Constables, &c.

XCI. That every Constable who is guilty of any Neglect or Violation of his Duty as a Constable, and convicted thereof before the Sheriff or a Magistrate, shall be liable to a Penalty not exceeding Ten Pounds, the Amount of which Penalty may be deducted from the Salary or Wages due to him or to become due to him, or, in the Discretion of the Sheriff or Magistrate before whom he is convicted, he may lawfully be imprisoned for any Time not exceeding One Month, with or without hard Labour.

Penalty for Neglect of Duty.

XCII. That the Commissioners may from Time to Time purchase or rent any Buildings or Land, and convert such Buildings into, or build on such Land, Offices, Watch-houses, Lock-up Houses, Prisons and other Places necessary for the Purposes of this Act, with all proper Conveniences thereto, and may repair the same from Time to Time, and furnish and fit up the same, and employ proper Persons to take care thereof.

Power to provide Offices, Watch-houses, &c.

And with respect to the Police of Burghs, and to Obstructions and Nuisances in the Streets, be it enacted as follows:

Obstructions and Nuisances.

XCIII. That the Commissioners may from Time to Time make Orders for the Route to be observed by all Carts, Carriages, Horses, and Persons, and for preventing Obstruction of the Streets of the Burgh, in all Times of public Processions, Rejoicings, or Illuminations, and in any Case when the Streets are thronged or liable to be obstructed, and may also give Directions to the Constables for keeping Order and preventing any Obstruction of the Streets in the Neighbourhood of Theatres and other Places of public Resort; and every wilful Breach of any such Order shall be deemed an Offence against this Act, and every Person committing any such Offence shall be liable to a Penalty not exceeding Forty Shillings.

Power to prevent Obstructions in the Streets during public Processions, &c.

XCIV. That if any Cattle be at any Time found at large in any Street of the Burgh without any Person having the Charge thereof, any Constable or Officer of Police, or any Person residing within the Burgh, may seize and impound such Cattle, and may detain the same until the Owner thereof pay to the Commissioners a Penalty not exceeding Forty Shillings, besides the reasonable Expenses of impounding and keeping such Cattle.

Power to impound stray Cattle.

XCV. That

Obstructions and Nuisances.

Power to sell stray Cattle for Penalty and Expenses.

XCV. That if the said Penalty and Expenses be not paid within Three Days after such impounding, the Person by whom such Cattle were seized and impounded as aforesaid, or other Person appointed by the Commissioners for that Purpose, may proceed to sell such Cattle or cause the same to be sold; but previous to such Sale Seven Days Notice thereof shall be given to or left at the Dwelling House or Place of Abode of the Owner of such Cattle, if he be known, or if not, then Notice of such intended Sale shall be given by Advertisement, to be inserted Seven Days before such Sale in some Newspaper published or circulated within the Burgh in which the Seizure was made; and the Money arising from such Sale, after deducting the said Sums, and the Expenses aforesaid, and all other Expenses attending the impounding, advertising, keeping, and Sale of any such Cattle so impounded, shall be paid to the Commissioners, and shall be by them paid, on Demand, to the Owner of the Cattle so sold.

Penalty on Persons committing any of the Offences herein named.

XCVI. That every Person who in any Street, to the Obstruction, Annoyance, or Danger of the Residents or Passengers, commits any of the following Offences, shall be liable to a Penalty not exceeding Forty Shillings for each Offence, or, in the Discretion of the Sheriff or Magistrate before whom he is convicted, may be committed to Prison, there to remain for a Period not exceeding Fourteen Days; and any Constable or other Officer appointed by virtue of this Act shall take into Custody, without Warrant, and forthwith convey before the Sheriff or a Magistrate, any Person who within his View commits any such Offence; (that is to say,)

Every Person who exposes for Show, Hire, or Sale (except in a Market or Market Place or Fair lawfully appointed for that Purpose) any Horse or other Animal; or exhibits in a Caravan or otherwise any Show or public Entertainment; or shoes, bleeds, or farries any Horse or Animal (except in Cases of Accident); or cleans, dresses, exercises, trains, or breaks or turns loose any Horse or Animal; or makes or repairs any Part of any Cart or Carriage (except in Cases of Accident where Repair on the Spot is necessary):

Every Person who suffers to be at large any unmuzzled ferocious Dog, or sets on or urges any Dog or other Animal to attack, worry, or put in fear any Person or Animal:

Every Owner of any Dog who suffers such Dog to go at large, knowing or having reasonable Ground for believing it to be in a rabid State, or to have been bitten by any Dog or other Animal in a rabid State:

Every Person who, after public Notice given by any Sheriff or Magistrate directing Dogs to be confined on account of Suspicion of

Obstructions and Nuisances.

of Canine Madness, suffers any Dog to be at large during the Time specified in such Notice:

Every Person who slaughters or dresses any Cattle, or any Part thereof, except in the Case of any Cattle over-driven which may have met with any Accident, and which for the public Safety or other reasonable Cause ought to be killed on the Spot:

Every Person having the Care of any Waggon, Cart, or Carriage who rides on the Shafts thereof; or who, without having Reins, and holding the same, rides upon such Waggon, Cart, or Carriage, or on any Animal drawing the same; or who is at such a Distance from such Waggon, Cart, or Carriage as not to have due Control over every Animal drawing the same; or who does not, in meeting any other Carriage, keep his Waggon, Cart, or Carriage to the Left or Near Side, or who in passing any other Carriage does not keep his Waggon, Cart, or Carriage on the Right or Off Side of the Road (except in Cases of actual Necessity, or some sufficient Reason for Deviation); or who, by obstructing the Street, wilfully prevents any Person or Carriage from passing him, or any Waggon, Cart, or Carriage under his Care:

Every Person who at One Time drives more than Two Carts or Waggons, and every Person driving Two Carts or Waggons who has not the Halter of the Horse in the last Cart or Waggon securely fastened to the Back of the first Cart or Waggon, or has such Halter of a greater Length from such Fastening to the Horse's Head than Four Feet:

Every Person who rides or drives furiously any Horse or Carriage, or drives furiously any Cattle:

Every Person who causes any public Carriage, Sledge, Truck, or Barrow, with or without Horses, or any Beast of Burden, to stand longer than is necessary for loading or unloading Goods, or for taking up or setting down Passengers (except Hackney Carriages, and Horses and other Beasts of Draught or Burden, standing for Hire in any Place appointed for that Purpose by the Commissioners or other lawful Authority); and every Person who, by means of any Cart, Carriage, Sledge, Truck or Barrow, or any Animal, or other Means, wilfully interrupts any public Crossing, or wilfully causes any Obstruction in any public Footpath or other public Thoroughfare:

Every Person who causes any Tree or Timber, or Iron Beam, to be drawn in or upon any Carriage, without having sufficient Means of safely guiding the same:

Every Person who leads or rides any Horse or other Animal, or draws or drives any Cart or Carriage, Sledge, Truck, or Barrow,

Obstructions and Nuisances.

upon any Footway of any Street, or fastens any Horse or other Animal so that it stands across or upon any Footway:

Every Person who places or leaves any Furniture, Goods, Wares, or Merchandize, or any Cask, Tub, Basket, Pail, or Bucket, or places or uses any Standing-place, Stool, Bench, Stall, or Showboard on any Footway, or who places any Blind, Shade, Covering, Awning, or other Projection over or along any such Footway, unless such Blind, Shade, Covering, Awning, or other Projection is Eight Feet in Height at least in every Part thereof from the Ground:

Every Person who places, hangs up, or otherwise exposes to Sale any Goods, Wares, Merchandize, Matter, or Thing whatsoever, so that the same project into or over any Footway, or beyond the Line of any House, Shop, or Building at which the same are so exposed, so as to obstruct or incommode the Passage of any Person over or along such Footway:

Every Person who rolls or carries any Cask, Tub, Hoop, or Wheel, or any Ladder, Plank, Pole, Timber, or Log of Wood, upon any Footway, except for the Purpose of loading or unloading any Cart or Carriage, or of crossing the Footway:

Every Person who places any Line, Cord, or Pole across any Street, or hangs or places any Clothes thereon:

Every common Prostitute or Nightwalker loitering and importuning Passengers for the Purpose of Prostitution:

Every Person who wilfully and indecently exposes his Person:

Every Person who publicly offers for Sale or Distribution, or exhibits to public View, any profane, indecent, or obscene Book, Paper, Print, Drawing, Painting, or Representation, or sings any profane or obscene Song or Ballad:

Every Person who wantonly discharges any Fire-arm, or throws or discharges any Stone or other Missile, or makes any Bonfire, or throws or sets fire to any Firework:

Every Person who wilfully and wantonly disturbs any Inhabitant, by pulling or ringing any Door Bell, or knocking at any Door; or who wilfully and unlawfully extinguishes the Light of any Lamp:

Every Person who flies any Kite, or who makes or uses any Slide upon Ice or Snow:

Every Person who cleanses, hoops, fires, washes, or scalds any Cask or Tub, or hews, saws, bores, or cuts any Timber or Stone, or slacks, sifts, or screens any Lime:

Every Person who throws or lays down any Stones, Coals, Slate, Shells, Lime, Bricks, Timber, Iron, or other Materials (except Building Materials so enclosed as to prevent Mischief to Passengers):

Every

Obstructions and Nuisances.

Every Person who beats or shakes any Carpet, Rug, or Mat (except Rugs or Mats beaten or shaken before the Hour of Eight in the Morning):

Every Person who fixes or places any Flower Pot or Box, or other heavy Article, in any upper Window, without sufficiently guarding the same against being blown down:

Every Person who throws from the Roof or any Part of any House or other Building any Slate, Brick, Wood, Rubbish, or other Thing, except Snow thrown so as not to fall on any Passenger:

Every Occupier of any House or other Building, or other Person, who orders or permits any Person in his Service to stand on the Sill of any Window, in order to clean, paint, or perform any other Operation upon the Outside of such Window, or upon any House or other Building, unless such Window be in the sunk or Basement Story:

Every Person who leaves open any Vault or Cellar, or the Entrance from any Street to any Cellar or Room underground, without a sufficient Fence or Handrail, or leaves defective the Door, Window, or other Covering of any Vault or Cellar, or who does not sufficiently fence any Area, Pit, or Sewer left open, or who leaves such open Area, Pit, or Sewer without a sufficient Light after Sunset to warn and prevent Persons from falling thereinto:

Every Person who throws or lays any Dirt, Litter, or Ashes, or Nightsoil, or any Carrion, Fish, Offal, or Rubbish, on any Street, or Sea Beach or Strand within the Boundaries of a Burgh, or causes any offensive Matter to run from any Manufactory, Brewery, Slaughter-house, Butcher's Shop, or Dunghill, into any Street: Provided always, that it shall not be deemed an Offence to lay Sand or other Materials in any Street in Time of Frost, to prevent Accidents, or Litter or other suitable Materials to prevent the freezing of Water in Pipes, or in case of Sickness to prevent Noise, if the Party laying any such Things causes them to be removed as soon as the Occasion for them ceases:

Every Person who keeps any Pigstye to the Front of any Street, not being shut out from such Street by a sufficient Wall or Fence, or who keeps any Swine in or near any Street, so as to be a common Nuisance.

Penalty on drunken Persons, &c. guilty of riotous or indecent Behaviour.

XCVII. Every Person drunk in any Street, and guilty of any riotous or indecent Behaviour therein, and also every Person guilty of any violent or indecent Behaviour in any Police Office or any Police Station House within the Burgh, shall be liable to a Penalty not exceeding Forty Shillings for every such Offence, or, in the Discretion of the Sheriff or Magistrate before whom he is convicted, to Imprisonment for a Period not exceeding Seven Days.

And

Fires.

And with respect to the Police of Burghs and to Fires, be it enacted as follows:

Penalty for wilfully setting Chimneys on fire.

XCVIII. That every Person who wilfully sets or causes to be set on fire any Chimney within the Burgh shall be liable to a Penalty not exceeding Five Pounds: Provided always, that nothing herein contained shall exempt the Person so setting or causing to be set on fire any Chimney from Liability to be indicted or prosecuted therefor before any Criminal Court.

Penalty for accidentally allowing Chimneys to catch fire.

XCIX. That if any Chimney within the Burgh accidentally catch or be on fire, the Person occupying or using the Premises in which such Chimney is situated shall be liable to a Penalty not exceeding Ten Shillings: Provided always, that such Forfeiture shall not be incurred if such Person prove to the Satisfaction of the Sheriff or Magistrate before whom the Case is heard that such Fire was in nowise owing to Omission, Neglect, or Carelessness of himself or Servant.

Fire Engines may be provided and Firemen employed by the Commissioners.

C. That the Commissioners may purchase or provide such Engines for extinguishing Fire, and such Water Buckets, Pipes, and other Appurtenances for such Engines, and such Fire Escapes and other Implements for Safety or Use in case of Fire, and may purchase, keep, or hire such Horses for drawing such Engines, as they think fit, and may build, provide, or hire Places for keeping such Engines with their Appurtenances, and may employ a proper Number of Persons to act as Firemen, and may make such Rules for their Regulation as they think proper, and give such Firemen and other Persons such Salaries and such Rewards for their Exertions in Cases of Fire as they think fit.

Fire Police permitted to go beyond the Limits of the Burgh in certain Cases.

CI. That the Commissioners may send such Engines, with their Appurtenances, and the said Firemen, beyond the Boundaries of the Burgh, for extinguishing Fire in the Neighbourhood of the Burgh; and the Owner of the Premises where such Fire shall have happened shall in such Case defray the actual Expense which may be thereby incurred, and shall also pay to the Commissioners a reasonable Charge for the Use of such Engines with their Appurtenances, and for the Attendance of such Firemen; and in case of any Difference between the Commissioners and the Owner of such Premises, the Amount of the said Expenses and Charge, as well as the Propriety of sending the said Engines and Firemen as aforesaid for extinguishing such Fire (if the Propriety thereof be disputed), shall be determined by the Sheriff, whose Decision shall be final; and the Amount of the said Expenses and Charge shall be recovered by the Commissioners as Damages.

And

And with respect to the Police of Burghs and to Places of public Resort, be it enacted as follows: *Places of public Resort.*

CII. That every Victualler or Keeper of any Public House, or Person licensed to sell Wine, Spirits, Beer, Cider, or other fermented or distilled Liquors by Retail, to be drunk or consumed on the Premises, within the Burgh, who knowingly harbours or entertains or suffers to remain in his Public House or Place wherein he carries on his Business any Constable during any Part of the Time appointed for his being on Duty, unless for the Purpose of quelling any Disturbance or restoring Order, shall for every such Offence be liable to a Penalty not exceeding Twenty Shillings. Penalty on Victuallers entertaining Constables while on Duty.

CIII. That every Person keeping any House, Shop, Room, or other Place of public Resort within the Burgh for the Sale or Consumption of Refreshments of any Kind, who knowingly suffers common Prostitutes or reputed Thieves to assemble at and continue in his Premises, shall for every such Offence be liable to a Penalty not exceeding Five Pounds. Penalty for harbouring disorderly Persons.

CIV. Every Person who within the Burgh keeps or uses or acts in the Management of any House, Room, Pit, or other Place for the Purpose of fighting, baiting, or worrying any Animals shall be liable to a Penalty of not more than Five Pounds, or, in the Discretion of the Sheriff or Magistrate before whom he is convicted, to Imprisonment, with or without hard Labour, for a Time not exceeding One Month; and the Commissioners may, by Order in Writing, authorize the Superintendent of Police, with such Constables as he thinks necessary, to enter any Premises kept or used for any of the Purposes aforesaid, and take into Custody all Persons found therein without lawful Excuse, and every Person so found shall be liable to a Penalty not exceeding Five Shillings; and a Conviction for this Offence shall not exempt the Owner, Keeper, or Manager of any such House, Room, Pit, or Place from any penal Consequence to which he is liable for the Nuisance thereby occasioned. Penalty on Persons keeping Places for baiting Animals; and on Persons found therein.

And with respect to the Police of Burghs and to Hackney Carriages, be it enacted as follows: *Hackney Carriages.*

CV. That the Commissioners may from Time to Time license to ply for Hire within Five Miles from the General Post Office of the Burgh such Number of Hackney Coaches or Carriages of any Kind or Description adapted to the Carriage of Persons as they think fit. Hackney Carriages to be licensed.

CVI. That every wheeled Carriage, whatever may be its Form or Construction, used in standing or plying for Hire in any Street within such What to be Hackney Carriages.

Hackney Carriages.

such prescribed Distance, and every Carriage standing upon any Street within such prescribed Distance, having thereon any numbered Plate required by this Act to be fixed upon a Hackney Carriage, or having thereon any Plate resembling or intended to resemble any such Plate as aforesaid, shall be deemed to be a Hackney Carriage within the Meaning of this Act; and in all Proceedings at Law or otherwise the Term "Hackney Carriage" shall be sufficient to describe any such Carriage: Provided always, that no Stage Coach used for the Purpose of standing or plying for Passengers to be carried for Hire at separate Fares, and duly licensed for that Purpose, and having thereon the proper numbered Plates required by Law to be placed on such Stage Coaches, shall be deemed to be a Hackney Carriage within the Meaning of this Act.

Fee to be paid for Licences.

CVII. That for every such Licence there shall be paid to the Clerk or other Person appointed by them to receive the same, such Sum as the Commissioners direct, not exceeding Five Shillings.

Persons applying for Licence to sign a Requisition for same.

CVIII. That before any such Licence is granted a Requisition for the same, in such Form as the Commissioners may from Time to Time provide for that Purpose, shall be made and signed by the Proprietor or One of the Proprietors of the Hackney Carriage in respect of which such Licence is applied for, and in every such Requisition shall be truly stated the Name and Surname and Place of Abode of the Person applying for such Licence, and of every Proprietor or part Proprietor of such Carriage, or Person concerned, either solely or in Partnership with any other Person, in the keeping, employing, or letting to Hire of such Carriage; and any Person who, on applying for such Licence, states in such Requisition the Name of any Person who is not a Proprietor or part Proprietor of such Carriage, or who is not concerned as aforesaid in the keeping, employing, or letting to Hire of such Carriage, and also any Person who wilfully omits to specify truly in such Requisition as aforesaid the Name of any Person who is a Proprietor or part Proprietor of such Carriage, or who is concerned as aforesaid in the keeping, employing, or letting to Hire of such Carriage, shall be liable to a Penalty not exceeding Ten Pounds.

What shall be specified in the Licence.

CIX. That in every such Licence shall be specified the Name and Surname and Place of Abode of every Person who is a Proprietor or part Proprietor of the Hackney Carriage in respect of which such Licence is granted, or who is concerned, either solely or in Partnership with any other Person, in the keeping, employing, or letting to Hire of any such Carriage, and also the Number of such Licence which shall correspond with the Number to be painted or marked on the Plates

Plates to be fixed on such Carriage, together with such other Particulars as the Commissioners think fit.

Hackney Carriages.

CX. That every Licence shall be made out by the Clerk of the Commissioners, and duly entered in a Book to be provided by him for that Purpose, and in such Book shall be contained Columns or Places for Entries to be made of every Offence committed by any Proprietor or Driver or Person attending such Carriage; and any Person may at any reasonable Time inspect such Book without Fee or Reward.

Licences be registered.

CXI. That every Licence so to be granted shall be signed by Two or more of the Commissioners, and shall not include more than One Carriage so licensed, and shall be in force for One Year only from the Day of the Date of such Licence, or until the next General Licensing Meeting, in case any General Licensing Day be appointed by the Commissioners.

Licence to be in force for One Year only.

CXII. That so often as any Person named in any such Licence as the Proprietor or One of the Proprietors, or as being concerned either solely or in Partnership with any Person in the keeping, employing, or letting to Hire of any such Carriage, changes his Place of Abode, he shall, within Seven Days next after such Change, give Notice thereof in Writing, signed by him, to the Commissioners, specifying in such Notice his new Place of Abode; and he shall at the same Time produce such Licence at the Office of the Commissioners, who shall, by their Clerk, or some other Officer, endorse thereon and sign a Memorandum specifying the Particulars of such Change; and any Person named in any such Licence as aforesaid as the Proprietor or One of the Proprietors of any Hackney Carriage, or as being concerned as aforesaid, who changes his Place of Abode, and neglects or wilfully omits to give Notice of such Change, or to produce such Licence in order that such Memorandum as aforesaid may be endorsed thereon within the Time and in the Manner limited and directed by this Act, shall be liable to a Penalty not exceeding Forty Shillings.

Notice to be given by Proprietors of Hackney Carriages of any Change of Abode.

CXIII. That if the Proprietor or part Proprietor of any Carriage, or any Person so concerned as aforesaid, permits the same to be used as a Hackney Carriage plying for Hire within such prescribed Distance without having obtained a Licence as aforesaid for such Carriage, or during the Time that such Licence is suspended as herein-after provided, or if any Person be found driving, standing, or plying for Hire with any Carriage within such prescribed Distance, for which such Licence as aforesaid has not been previously obtained, or without having the Number of such Carriage corresponding with the Number of

Penalty for plying for Hire without a Licence.

Hackney Carriages.

of the Licence openly displayed on such Carriage, every such Person so offending shall for every such Offence be liable to a Penalty not exceeding Forty Shillings.

Drivers not to act without first obtaining a Licence.

CXIV. That no Person shall act as Driver of any Hackney Carriage licensed in pursuance of this Act to ply for Hire within such prescribed Distance without first obtaining a Licence from the Commissioners, which Licence shall be registered by the Clerk to the Commissioners, and a Fee of One Shilling shall be paid for the same; and every such Licence shall be in force until the same is revoked, except during the Time that the same may be suspended as after mentioned.

Penalty on Drivers acting without Licence.

CXV. That if any Person acts as such Driver as aforesaid without having obtained such Licence or during the Time that his Licence is suspended, or if he lend or part with his Licence, except to the Proprietor of the Hackney Carriage, or if the Proprietor of any Hackney Carriage employ any Person as the Driver thereof who has not obtained such Licence, or during the Time that his Licence is suspended as herein-after provided, every such Driver and every such Proprietor shall for every such Offence respectively be liable to a Penalty not exceeding Twenty Shillings.

Proprietor to retain Licence of Drivers when in his Employ, and to produce the same when summoned.

Magistrates may endorse Convictions upon Licence.

Penalty on Proprietors for Neglect.

CXVI. That in every Case in which the Proprietor of any Hackney Carriage permits or employs any licensed Person to act as the Driver thereof, such Proprietor shall cause to be delivered to him, and shall retain in his Possession, the Licence of such Driver while such Driver remains in his Employ; and in all Cases of Complaint, where the Proprietor of a Hackney Carriage is summoned to attend before the Sheriff or a Magistrate, or to produce the Driver, the Proprietor so summoned shall also produce the Licence of such Driver, if he be then in his Employ; and if any Driver complained of be adjudged guilty of the Offence alleged against him, such Sheriff or Magistrate shall make an Endorsement upon the Licence of such Driver, stating the Nature of the Offence and the Amount of the Penalty inflicted; and if any such Proprietor neglect to have delivered to him and to retain in his Possession the Licence of any Driver while such Driver remains in his Employ, or if he refuse or neglect to produce such Licence as aforesaid, such Proprietor shall for every such Offence be liable to a Penalty not exceeding Forty Shillings.

Proprietor to return Licence to Drivers when quitting his Service if

CXVII. That when any Driver leaves the Service of the Proprietor by whom he is employed without having been guilty of any Misconduct, such Proprietor shall forthwith return to such Driver the Licence belonging to him; but if such Driver have been guilty of any Misconduct,

Misconduct, the Proprietor shall not return his Licence, but shall give him Notice of the Complaint which he intends to prefer against him, and shall forthwith summon such Driver to appear before the Sheriff or a Magistrate to answer the said Complaint; and such Sheriff or Magistrate, having the necessary Parties before him, shall inquire into and determine the Matter of Complaint, and if upon Inquiry it appear that the Licence of such Driver has been improperly withheld, such Sheriff or Magistrate shall direct the immediate Re-delivery of such Licence, and award such Sum of Money as he thinks proper to be paid by such Proprietor to such Driver by way of Compensation.

they behave well, if otherwise, Proprietor to summon them.

Compensation in case of Licence being improperly withheld.

CXVIII. That the Commissioners may, upon the Conviction for the Second Time of the Proprietor or Driver of any Hackney Carriage for any Offence under the Provisions of this Act with respect to Hackney Carriages, or any Bye Law made in pursuance thereof, suspend or revoke, as they deem right, the Licence of any such Proprietor or Driver.

Licences to be suspended or revoked for Misconduct.

CXIX. That no Hackney Carriage shall be used or employed or let to Hire, or shall stand or ply for Hire, within such prescribed Distance, unless the Number of Persons to be carried by such Hackney Carriage, in Words at Length, and in Form following, (that is to say,) "To carry Persons," be painted on a Plate placed on some conspicuous Place on the Outside of such Carriage, and in legible Letters, so as to be clearly distinguishable from the Colour of the Ground whereon the same are painted, One Inch in Length, and of a proportionate Breadth; and the Driver of any Hackney Carriage shall not be required to carry in or by such Hackney Carriage a greater Number of Persons than the Number painted thereon.

Number of Persons to be carried in a Hackney Carriage to be painted thereon.

CXX. That if the Proprietor of any Hackney Carriage permit the same to be used, employed, or let to Hire, or if any Person stand or ply for Hire with such Carriage, without having the Number of Persons to be carried thereby painted and exhibited in manner aforesaid, or if the Driver of any Hackney Carriage refuse, when required by the Hirer thereof, to carry in or by such Hackney Carriage the Number of Persons painted thereon, or any less Number, every Proprietor or Driver so offending shall be liable to a Penalty not exceeding Forty Shillings.

Penalty for Neglect or for Refusal to carry the prescribed Number.

CXXI. That any Driver of a Hackney Carriage standing at any of the Stands for Hackney Carriages appointed by the Commissioners, or in any Street, who refuses or neglects, without reasonable

Penalty on Driver for refusing to drive.

Hackney Carriages.

Excuse, to drive such Carriage to any Place within such prescribed Distance, or any Distance to be appointed by any Bye Law of the Commissioners, not exceeding such prescribed Distance, to which he is directed to drive by the Person hiring or wishing to hire such Carriage, shall for every such Offence be liable to a Penalty not exceeding Forty Shillings.

Penalty for demanding more than the Sum agreed for, though less than the legal Fare.

CXXII. That if the Proprietor or Driver of any Hackney Carriage, or if any other Person on his Behalf, agree beforehand with any Person hiring such Hackney Carriage to take for any Job a Sum less than the Fare allowed by this Act, or any Bye Law made thereunder, such Proprietor or Driver shall be liable to a Penalty not exceeding Forty Shillings if he exact or demand for such Job more than the Fare so agreed upon.

Agreement to pay more than the legal Fare not to be binding, and Sum paid beyond the proper Fare may be recovered back.

CXXIII. That no Agreement whatever made with the Driver, or with any Person having or pretending to have the Care of any Hackney Carriage, for the Payment of more than the Fare allowed by any Bye Law made under this Act, shall be binding on the Person making the same, and any such Person may, notwithstanding such Agreement, refuse, on discharging such Hackney Carriage, to pay any Sum beyond the Fare allowed as aforesaid; and if any Person actually pay to the Driver of any Hackney Carriage, whether in pursuance of any such Agreement or otherwise, any Sum exceeding the Fare to which such Driver was entitled, the Person paying the same shall be entitled, on Complaint made against such Driver before the Sheriff or a Magistrate, to recover back the Sum paid beyond the proper Fare, and moreover such Driver shall be liable to a Penalty for such Exaction not exceeding the Sum of Forty Shillings; and in default of the Repayment by such Driver of such Excess of Fare, or of Payment of the said Penalty, the Sheriff or Magistrate shall forthwith commit such Driver to Prison, there to remain for any Time not exceeding One Month, unless the said Excess of Fare and the said Penalty be sooner paid.

Driver to carry, under an Agreement for a discretionary Distance, the Distance to which Hirer is entitled for the Fare.

CXXIV. That if the Proprietor or Driver of any Hackney Carriage, or if any other Person on his Behalf, agree with any Person to carry in or by such Hackney Carriage Persons not exceeding in Number the Number so painted on such Carriage as aforesaid, for a Distance to be in the Discretion of such Proprietor or Driver, and for a Sum agreed upon, such Proprietor or Driver shall be liable to a Penalty not exceeding Forty Shillings if the Distance which he carries such Persons be under that to which they were entitled to be carried for the Sum so agreed upon according to the Fare allowed by any Bye Law made under this Act.

CXXV. That

Hackney Carriages.

Overcharge by Hackney Coachmen, &c. to be included in Conviction, and returned to aggrieved Party.

CXXV. That every Proprietor or Driver of any Hackney Carriage who is convicted of taking as a Fare a greater Sum than is authorized by any Bye Law made under this Act shall be liable to a Penalty not exceeding Forty Shillings, and such Penalty may be recovered before the Sheriff or a Magistrate; and in the Conviction of such Proprietor or Driver an Order may be included for Payment of the Sum so overcharged, over and above the Penalty and Costs, and such Overcharge shall be returned to the Party aggrieved, whose Evidence shall be admissible in Proof of such Offence.

Penalty for permitting Persons to ride without Consent of the Hirer.

CXXVI. That any Proprietor or Driver of any Hackney Carriage which is hired who permits or suffers any Person to be carried in or upon or about such Hackney Carriage during such Hire, without the express Consent of the Person hiring the same, shall be liable to a Penalty not exceeding Twenty Shillings.

No Person to act as Driver of any Carriage without the Consent of the Proprietor.

CXXVII. That no Person authorized by the Proprietor of any Hackney Carriage to act as Driver of such Carriage shall suffer any other Person to act as Driver of such Carriage without the Consent of the Proprietor thereof, and no Person, whether licensed or not, shall act as Driver of any such Carriage without the Consent of the Proprietor; and any Person so suffering another Person to act as Driver, and any Person so acting as Driver, without such Consent as aforesaid, shall be liable to a Penalty not exceeding Forty Shillings for every such Offence.

Penalty on Drivers misbehaving.

CXXVIII. That if the Driver or any other Person having or pretending to have the Care of any Hackney Carriage be intoxicated while driving, or if any such Driver or other Person by wanton and furious Driving, or by any other wilful Misconduct, injure or endanger any Person in his Life, Limbs, or Property, he shall be liable to a Penalty not exceeding Five Pounds, and in default of Payment thereof the Sheriff or Magistrate before whom he is convicted of such Offence may commit him to Prison, there to remain for any Time not exceeding Two Months.

Penalty for leaving Carriages unattended at Places of public Resort.

CXXIX. That if the Driver of any Hackney Carriage leave it in any Street or at any Place of public Resort or Entertainment, whether it be hired or not, without some one proper to take care of it, any Constable may drive away such Hackney Carriage, and deposit it, and the Horse or Horses harnessed thereto, at some neighbouring Livery Stable or other Place of safe Custody; and such Driver shall be liable to a Penalty not exceeding Twenty Shillings for such Offence; and in default of Payment of the said Penalty upon Conviction, and of the Expenses of taking and keeping the said Hackney Carriage

Hackney Carriages.

Carriage and Horse or Horses, the same, together with the Harness belonging thereto, or any of them, shall be sold by Order of the Sheriff or Magistrate before whom such Conviction is made; and after deducting from the Produce of such Sale the Amount of the said Penalty, and of all Costs and Expenses, as well of the Proceedings before such Sheriff or Magistrate as of the taking, keeping, and Sale of such Hackney Carriage, and of such Horse or Horses and Harness, the Surplus (if any) of the said Produce shall be paid to the Proprietor of such Hackney Carriage.

Damage done by Driver may be recovered from the Proprietor.

CXXX. That in every Case in which any Hurt or Damage has been caused to any Person or Property as aforesaid by the Driver of any Carriage let to Hire, the Sheriff or Magistrate before whom such Driver has been convicted may direct that the Proprietor of such Carriage shall pay such Sum not exceeding Five Pounds as appears to such Sheriff or Magistrate a reasonable Compensation for such Hurt or Damage; and every Proprietor who pays any such Compensation as aforesaid may recover the same from the Driver; and such Compensation shall be recoverable from such Proprietor, and by him from such Driver, as Damages.

Improperly standing with Carriage, refusing to give way to, or obstructing any other Driver, or depriving him of his Fare.

CXXXI. That any Driver of any Hackney Carriage who suffers the same to stand for Hire across any Street or alongside of any other Hackney Carriage, or who refuses to give way, if he conveniently can, to any other Carriage, or who obstructs or hinders the Driver of any other Carriage in taking up or setting down any Person into or from such other Carriage, or who wrongfully in a forcible Manner prevents or endeavours to prevent the Driver of any other Hackney Carriage from being hired, shall be liable to a Penalty not exceeding Twenty Shillings.

Compensation may be awarded to Drivers for Loss of Time in attending to answer Complaints not substantiated.

CXXXII. That if the Driver of any Hackney Carriage be summoned or brought before the Sheriff or any Magistrate to answer any Complaint or Information touching or concerning any Offence alleged to have been committed by such Driver against the Provisions of any Bye Law made under this Act, and such Complaint or Information be afterwards withdrawn or quashed or dismissed, or if such Driver be acquitted of the Offence charged against him, such Sheriff or Magistrate, if he think fit, may order the Complainer or Informer to pay to such Driver such Compensation for his Loss of Time in attending such Sheriff or Magistrate touching or concerning such Complaint or Information as to such Sheriff or Magistrate seems reasonable; and in default of Payment of such Compensation such Sheriff or Magistrate may commit such Complainer or Informer to Prison for any Time not exceeding One Month, unless the same shall be sooner paid.

CXXXIII. That

Hackney Carriages.

Penalty for refusing to pay the Fare.

CXXXIII. That if any Person refuse to pay, on Demand, to any Proprietor or Driver of any Hackney Carriage, the Fare allowed by any Bye Law made under this Act, such Fare may, together with Costs, be recovered before the Sheriff or any Magistrate as a Penalty.

Penalty for damaging Carriage.

CXXXIV. That any Person using any Hackney Carriage plying under a Licence granted by virtue of this Act who wilfully injures the same shall for every such Offence be liable to a Penalty not exceeding Five Pounds, and shall also pay to the Proprietor of such Hackney Carriage reasonable Satisfaction for the Damage sustained by the same; and such Satisfaction shall be ascertained by the Sheriff or Magistrate before whom the Conviction takes place, and shall be recovered by the same Means as the Penalty.

Commissioners may make Bye Laws for regulating Hackney Carriages.

CXXXV. That the Commissioners may from Time to Time (subject to the Restrictions of this Act) make Bye Laws for all or any of the Purposes following; (that is to say,)

For regulating the Conduct of the Proprietors and Drivers of Hackney Carriages plying within such prescribed Distance in their several Employments, and determining whether such Drivers shall wear any and what Badges, and for regulating the Hours within which they may exercise their Calling:

For regulating the Manner in which the Number of each Carriage, corresponding with the Number of its Licence, shall be displayed:

For regulating the Number of Persons to be carried by Hackney Carriages, and in what Manner such Number is to be shown on such Carriage, and what Number of Horses or other Animals is to draw the same, and the placing of Check Strings to the Carriages, and the holding of the same by the Driver, and how Hackney Carriages are to be furnished or provided:

For fixing the Stands of Hackney Carriages, and the Distance to which they may be compelled to take Passengers, not exceeding such prescribed Distance:

For fixing the Rates or Fares, as well for Time as Distance, to be paid for Hackney Carriages within such prescribed Distance, and for securing the due Publication of such Fares:

For securing the safe Custody and Re-delivery of any Property accidentally left in Hackney Carriages, and fixing the Charges to be made in respect thereof.

Bathing.

And with respect to the Police of Burghs, and to public Bathing, be it enacted as follows:

Bathing Machines and bathing.

CXXXVI. That where any Part of the Sea-shore or Strand of any River used as a public Bathing-place is within the Burgh, the Commissioners may make Bye Laws for the following Purposes; (that is to say,)

For fixing the Stands of Bathing Machines on the Sea-shore or Strand, and the Limits within which Persons of each Sex shall be set down for bathing, and within which Persons shall bathe:

For regulating the Occupation of such Stands of Bathing Machines, and apportioning the same temporarily among the Owners of such Machines for the Time:

For preventing any indecent Exposure of the Persons of the Bathers:

For regulating the Manner in which and the Times at which the Bathing Machines shall be used, and the Charges to be made for the same:

For ensuring that the Bathing Machines shall be kept in a proper State of Repair:

For regulating the Distance at which Boats and Vessels let to hire for the Purpose of sailing or rowing for Pleasure shall be kept from Persons bathing within such prescribed Limits.

Precautions during Repairs.

And with respect to the Police of Burghs, and to Precautions during the Construction and Repair of Sewers, Streets, and Houses, be it enacted as follows:

Bars to be erected across Streets while Repairs or Alterations are making, and Lights placed at Night.

CXXXVII. That the Commissioners shall, during the Construction or Repair of any Streets, and during the Construction or Repair of any Sewers or Drains, take proper Precaution for guarding against Accident, by shoring-up and protecting the adjoining Houses, and shall cause such Bars or Chains to be fixed across or in any of the Streets, to prevent the Passage of Carriages and Horses while such Works are carried on, as to them shall seem proper; and the Commissioners shall cause any Sewer or Drain or other Works, during the Construction or Repair thereof by them, to be lighted and guarded during the Night, so as to prevent Accidents; and every Person who takes down, alters, or removes any of the said Bars or Chains, or extinguishes any Light, without the Authority or Consent of the Commissioners, shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

Hoards to be set up during Repairs.

CXXXVIII. That every Person intending to build or take down any Building within the Burgh, or to cause the same to be so done, or to alter or repair the outward Part of any such Building, or to cause the same to be so done, where any Street or Footway will be

be obstructed or rendered inconvenient by means of such Work, shall before beginning the same cause sufficient Hoards or Fences to be put up, in order to separate the Building where such Works are being carried on from the Street, with a convenient Platform and Handrail, if there be Room enough, to serve as a Footway for Passengers, outside of such Hoard or Fence, and shall continue such Hoard or Fence, with such Platform and Handrail as aforesaid, standing and in good Condition, to the Satisfaction of the Commissioners, during such Time as the public Safety or Convenience requires, and shall in all Cases in which it is necessary in order to prevent Accidents cause the same to be sufficiently lighted during the Night; and every such Person who fails to put up such Fence or Hoard, or Platform with such Handrail as aforesaid, or to continue the same respectively standing and in good Condition as aforesaid during the Time aforesaid, or who does not, while the said Hoard or Fence is standing, keep the same sufficiently lighted during the Night, or who does not remove the same, when directed by the Commissioners, within a reasonable Time afterwards, shall for every such Offence be liable to a Penalty not exceeding Five Pounds, and a further Penalty not exceeding Forty Shillings for every Day while such Default is continued.

Precautions during Repairs.

CXXXIX. That when any Building Materials, Rubbish, or other Things are laid, or any Hole made, in any of the Streets, whether the same be done by Order of the Commissioners or not, the Person causing such Materials or other Things to be so laid, or such Hole to be made, shall at his own Expense cause a sufficient Light to be fixed in a proper Place upon or near the same, and continue such Light every Night from Sun-setting to Sun-rising while such Materials or Hole remain; and such Person shall, at his own Expense, cause such Materials or other Things and such Hole to be sufficiently fenced and enclosed until such Materials or other Things are removed or the Hole filled up or otherwise made secure; and every such Person who fails so to light, fence, or enclose such Materials or other Things, or such Hole, shall for every such Offence be liable to a Penalty not exceeding Five Pounds, and a further Penalty not exceeding Forty Shillings for every Day while such Default is continued.

Penalty for not lighting Deposits of Building Materials or Excavations.

CXL. That in no Case shall any such Building Materials or other Things, or such Hole, be allowed to remain for an unnecessary Time, under a Penalty not exceeding Five Pounds to be paid for every such Offence by the Person who causes such Materials or other Things to be laid or such Hole to be made, and a further Penalty not exceeding Forty Shillings for every Day during which such Offence is continued after the Conviction for such Offence; and in

Penalty for continuing Deposits of Building Materials or Excavations an unreasonable Time.

Precautions during Repairs.

in any such Case the Proof that the Time has not exceeded the necessary Time shall be upon the Person so causing such Materials or other Things to be laid, or causing such Hole to be made.

Dangerous Places to be repaired or enclosed.

CXLI. That if any Building or Hole or any other Place near any Street be, for Want of sufficient Repair, Protection, or Enclosure, dangerous to the Passengers along such Street, the Commissioners shall cause the same to be repaired, protected, or enclosed, so as to prevent Danger therefrom; and the Expenses of such Repair, Protection, or Enclosure shall be repaid to the Commissioners by the Owner of the Premises so repaired, protected, or enclosed, and shall be recoverable from him as Damages.

Cleansing Streets.

And with respect to the Police of Burghs, and to cleansing the Streets, be it enacted as follows:

Commissioners to cause Streets to be cleansed, and Dust and Ashes to be removed from the Houses.

CXLII. That the Commissioners shall cause all the Streets, together with the Foot Pavements, from Time to Time to be properly swept and cleansed, and all Dust and Filth of every Sort found thereon to be collected and removed, and shall cause all the Dust, Ashes, and Rubbish to be carried away from the Houses and Premises of the Inhabitants of the Burgh, at convenient Hours and Times, and shall cause the Privies and Cesspools within the Burgh to be from Time to Time emptied and cleansed in a sufficient and proper Manner: Provided always, that the Occupier of any House or Premises within the Burgh may keep and remove any such Soil, Ashes, or Rubbish as shall be made on his own Premises, and shall be kept for Manure, so that the same be not a Nuisance to the Inhabitants residing near such Premises, and that the same be removed at such Times and in such Manner as shall be approved of by the Commissioners.

Occupiers to cause Footways to be swept.

Penalty for Neglect.

CXLIII. That the Occupiers of Premises within or adjoining the Streets shall once in every Day (*Sundays* excepted) before Eight of the Clock in the Forenoon of each Day, cause to be swept and cleansed the Footways and Pavements in front or at the Side of their respective Premises; and every such Occupier making default herein shall for every such Offence be liable to a Penalty not exceeding Five Shillings; and for the Purpose aforesaid, when any House shall be let in separate Apartments, the Person letting such Apartments shall be deemed the Occupier.

Commissioners may compound for sweeping Footways.

CXLIV. That the Commissioners may compound, for such Time as they think fit, with any Person liable to sweep or cleanse any Footway under the Provisions of this Act, for sweeping and cleansing the same in the Manner directed by this Act.

CXLV. That

Cleansing Streets.

Dust, &c. collected to be vested in the Commissioners.

CXLV. That the Dust and Filth which the Commissioners shall cause to be collected from the Streets, Privies, Sewers, and Cesspools, and all the Dust, Ashes, and Rubbish which the Commissioners shall cause to be collected and carried away from the Houses or Premises, or elsewhere within the Burgh, shall be the Property of the Commissioners, and the Commissioners shall have Power to sell and dispose of the same as they think proper, and the Money arising from the Sale thereof shall be applied towards the Purposes of this Act.

Commissioners may provide Lands, &c. for Deposit of Soil and Materials.

CXLVI. That the Commissioners may from Time to Time provide Places convenient for the Deposit of the Night Soil, Dung, Ashes, and other Filth and Rubbish to be collected under the Authority of this Act, and for stabling and keeping all Horses, Carts, Implements, and other Things required for the Purposes of this Act; and for any of such Purposes the Commissioners may purchase or hire any Lands or Buildings by them considered necessary, or they may cause any new Building to be made upon any Lands which shall be purchased or hired by them under the Provisions of this Act.

Dust Boxes to be erected by Commissioners.

CXLVII. That the Commissioners, if they think fit so to do, may cause any Number of moveable or fixed Dust Boxes or other Conveniences, wherein Dust and Ashes may be deposited until removed and carried away, to be provided and placed in such of the Streets as they shall judge necessary, and may require the Occupiers of Premises within such Streets to cause all their Dust and Ashes to be deposited daily in the said Dust Boxes or other Conveniences; and every Person who after such Dust Boxes or Conveniences have been so provided shall deposit or cause or permit to be deposited any Ashes or Dust in any Part of any Street, except in some of such Dust Boxes or other Conveniences, and every Person who shall lay or cause to be laid any Dirt, Dung, or other Filth in any Part of any Street, shall for every such Offence forfeit and pay a Sum not exceeding Ten Shillings.

Commissioners may cause public Conveniences to be erected.

CXLVIII. That the Commissioners may erect such public Water-closets, Privies, and Urinals within the Burgh and in such Situations as they think fit, so as not to create a Nuisance, and may defray the Expense thereof and of keeping the same in good Order, and may make Compensation for any Injury occasioned to any Person by the Erection thereof, out of the Monies to be levied under this Act.

Commissioners to cause Streets to be watered, and Wells, Pumps, &c. to be provided.

CXLIX. That the Commissioners shall, as often as Occasion requires, cause the Streets to be watered, and they may contract with any Water Company or other Party for a Supply of Water for that Purpose, and for cleansing the Sewers and Drains; and, if necessary, they

Cleansing Streets.

they may place Pipes, Conduits, and Pumps in any of the Streets, or provide any other Works and Engines proper for that Purpose, and remove and alter the same when and as they think proper.

Commissioners to appoint Scavengers.

CL. That the Commissioners shall appoint and employ a sufficient Number of Scavengers, or contract with any Company or other Person to employ Scavengers, for sweeping, cleansing, and watering the Streets, and for removing all Dust, Ashes, Rubbish, and Filth therefrom, and from the Houses and other Premises therein, and for emptying Privies and Cesspools, in the Manner by this Act directed; and such Scavengers shall, on such Days, and at such Hours, and in such Manner as the Commissioners from Time to Time appoint, sufficiently execute all such Works and Duties as they have respectively contracted or been employed to perform; and every such Contractor who fails to sweep and properly cleanse or water any Street which he has contracted to sweep, cleanse, or water, or who fails to clean out and empty any Privy, Cesspool, or Sewer which he has contracted to clean out and empty, at the Time and in the Manner appointed by the Commissioners, or to collect or remove any Dirt, Ashes, or Rubbish which he has contracted to remove, at the Time and in the Manner prescribed by the Commissioners for that Purpose, or who lays any of such Soil, Dust, Ashes, Rubbish, or Filth in any other Places than such as are appointed by the Commissioners for that Purpose, shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

Penalty for obstructing Scavengers.

CLI. That every Occupier of any Premises within the Burgh, and every other Person, who refuses to permit the said Scavengers to remove such Dirt, Ashes, or Rubbish as by this Act they are authorized to do, or who obstructs the said Scavengers in the Performance of their Duty, shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

Penalty on Persons other than Scavengers removing Dirt.

CLII. That every Person, other than the Person employed by the Commissioners, or by some Person contracting with the Commissioners for that Purpose, who collects or carries away any Night Soil, Dust, Ashes, Rubbish, or Filth by this Act directed to be removed by Persons employed by the Commissioners, from any Street or public Place within the Burgh, shall be liable to a Penalty not exceeding Forty Shillings for every such Offence.

Penalty for conveying offensive Matter at improper Times.

CLIII. That the Commissioners may from Time to Time fix the Hours within which only it shall be lawful to empty Privies or remove offensive Matter within the Burgh; and when the Commissioners have fixed such Hours, and given public Notice thereof, every Person who

who within the Burgh empties or begins to empty any Privy, or removes along any Thoroughfare within the Burgh any offensive Matter, at any Time except within the Hours so fixed, and also every Person who at any Time, whether such Hours have been fixed by the Commissioners or not, uses for any such Purpose any Cart or Carriage not having a Covering proper for preventing the Escape of the Contents of such Cart or of the Stench thereof, or who wilfully slops or spills any such offensive Matter in the Removal thereof, or who does not carefully sweep and cleanse every Place in which any such offensive Matter has been placed or unavoidably slopped or spilled, shall be liable to a Penalty not exceeding Forty Shillings, and in default of the Apprehension of the actual Offender the Driver or Person having the Care of the Cart or Carriage employed for any such Purpose shall be deemed to be the Offender.

Cleansing Streets.

And with respect to the Police of Burghs, and to the Prevention of Nuisances, be it enacted as follows:

Nuisances.

CLIV. That no Person shall suffer any waste or stagnant Water to remain in any Cellar or other Place within any Premises belonging to or occupied by him within the Burgh, so as to be a Nuisance; and every Person who so suffers any such Water to remain for Forty-eight Hours after receiving Notice from the Commissioners to remove the same, and every Person who allows the Contents of any Privy or Cesspool to overflow or soak therefrom, to the Annoyance of the Occupiers of any adjoining Property, shall for every such Offence be liable to a Penalty not exceeding Forty Shillings, and to a further Penalty not exceeding Five Shillings for every Day during which such Nuisance continues; and the Commissioners may drain and cleanse out any stagnant Pools, Ditches, or Ponds of Water within the Burgh, and abate any such Nuisance as aforesaid, and for that Purpose may enter, by their Officers and Workmen, into and upon any Premises within the Burgh at all reasonable Times, and do all necessary Acts for any of the Purposes aforesaid; and the Expenses incurred thereby shall be paid by the Person committing such Offence or occupying the Premises whence such Annoyance proceeds, and, if there be no Occupier, by the Owner of such Premises, and shall be recoverable as Damages.

Stagnant Pools of Water and other Annoyances to be removed.

CLV. That when the Contents of any Sewer, or any other Flow of Filth or Refuse, are discharged into any River or Stream in the Bed or Channel of which the Quantity of Water is so much diminished, either by Drought during the Summer, or by Part being taken off to supply any Mill Race, Course, or Dam, or by any other natural or artificial Cause, as to be insufficient to keep such Channel clean or clear, it shall be lawful for the Commissioners to make Alterations

Beds of running Streams to be kept clear.

on

Nuisances.

on the Bed of such River or Stream by cutting in such Bed a Trough or Channel into which the Sewer or Drain Water may be conducted, or by some similar Operations on the Bed of such River or Stream whereby the Flow of Water diminished as aforesaid in such River or Stream may be accelerated, and such Sewer and Drain Water prevented from spreading over the Surface of such Bed, or from accumulating and stagnating in Parts thereof, to the Injury of Health and the Annoyance of the surrounding Population: Provided always, that the Commissioners shall not be entitled in any way to interfere with the Rights of the Owners or Occupiers of Mills on such River or Stream, or to diminish in any respect the Quantity of Water flowing in such River or Stream, or available to such Owners or Occupiers, previously to and at the Time of making the Alterations or Operations hereby allowed.

Regulations to prevent Accumulation of Dung, &c.

CLVI. That if the Dung or Soil of any Stable, Cowhouse, or Pigstye, or other Collection of refuse Matter, elsewhere than in any Farmyard, be at any Time allowed to accumulate within the Burgh for more than Twenty Days, or for more than Seven Days after a Quantity exceeding One Ton has been collected in any Place not allowed by the Commissioners, such Dung, Soil, or Refuse, if not removed within Forty-eight Hours after Notice from any Officer of the Commissioners for that Purpose, shall become the Property of the Commissioners, and they, or any Person with whom they have at that Time any subsisting Contract for the Removal of Refuse, may enter upon the Premises and remove the same, and may sell and dispose of the same, and the Money thence arising shall be applied towards the Purposes of this Act.

Regulations against Cowhouses injurious to the Health of the Neighbourhood.

CLVII. That no Person shall be allowed to keep any Cow or Cows in any Byre or Cowhouse or other Place where it shall have been ascertained by competent Medical Evidence that the keeping of such Cow or Cows in such Place is injurious to the Health of the Neighbourhood, and the Commissioners shall have ordered such Place not to be so used or occupied: Provided always, that any Person who shall think himself aggrieved by any Order of the Commissioners in this Matter shall be entitled to appeal to the Sheriff, whose Decision shall be final.

On Certificate of the Officer of Health, Filth to be removed.

CLVIII. That if at any Time the Officer of Health, or, if for the Time being there be no Officer of Health, any Two Surgeons or Physicians, or One Surgeon and One Physician, certify under his or their Hand to the Commissioners that any Accumulation of Dung, Soil, or Filth, or other noxious or offensive Matter, within the Burgh, ought to be removed, as being injurious to the Health of the Inhabitants, the Clerk to the Commissioners shall forthwith give Notice

to

to the Owner or reputed Owner of such Dung, Soil, or Filth, or to the Occupier of the Land where the same are, to remove the same within Twenty-four Hours after such Notice; and in case of Failure to comply with such Notice such Dung, Soil, or Filth shall thereupon become vested in the Commissioners, and they, or any Person with whom they have at that Time contracted for the Removal of all such Refuse, may enter upon the Premises and remove the same, and may sell and dispose of the same, and the Money thence arising shall be applied towards the Purposes of this Act. *Nuisances.*

CLIX. That if at any Time the Officer of Health, or, if there be no Officer of Health, any Two Surgeons or Physicians, or One Surgeon and One Physician, certify under his or their Hands to the Commissioners that any House or Part of any House or Building within the Burgh is in such a filthy or unwholesome Condition that the Health of the Inmates or of the Neighbours is thereby affected or endangered, or that the whitewashing, cleansing, or purifying of any House or Building or any Part thereof would tend to prevent or check infectious or contagious Disease therein, or that any Drain, Privy, or Cesspool is in such a defective State that the Health of the Neighbours is thereby affected or endangered, the Commissioners shall order the Occupier of such House or Part thereof to whitewash, cleanse, and purify the same, and the Owner of such Drain, Privy, or Cesspool to amend the Condition thereof, in such Manner and within such Time as the Commissioners deem reasonable; and if such Occupier or Owner do not comply with such Order he shall be liable to a Penalty not exceeding Ten Shillings for every Day's Neglect thereof; and in such Case the Commissioners may cause such House or any Part thereof to be whitewashed, cleansed, and purified, or the Condition of such Drain, Privy, or Cesspool to be amended, and may recover the Expense thereof from such Occupier or Owner in the same Manner as Damages. Houses to be whitewashed and purified, on Certificate of Officer of Health, &c.

CLX. That no Coffin containing a Corpse shall be buried in any Grave within the Burgh, not being a Vault or Catacomb, without at least Thirty-six Inches of Soil between the ordinary Surface of such Burial Ground and the upper Side of the Coffin; and if the Person having the Preparation or the immediate Charge of the Preparation of the Grave to receive such Coffin permit the Coffin to be buried in such Grave, or if the Person having the Control of the Burial Ground knowingly permit any Coffin to be buried in any Grave in which there is not left after the Burial thereof Thirty-six Inches at the least of Soil, measuring from the ordinary Surface of such Burial Ground to the upper Side of the Coffin, the Person having the immediate Charge of the No Interment in any Grave without leaving Thirty six Inches clear of Soil above the Coffin.

Nuisances.

the Preparation of the Grave, and the Person having the Control of the Burial Ground in which such Burial is made, shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

Commissioners to order Costs of Prosecutions to be paid out of the Rates.

CLXI. That the Commissioners may direct any Prosecution for any public Nuisance whatsoever, created, permitted, or suffered within the Burgh, and may order Proceedings to be taken for the Recovery of any Penalties, and for the Punishment of any Persons offending against the Provisions of this Act, and may order the Expenses of such Prosecution or other Proceedings to be paid out of the Assessments authorized to be imposed under the Provisions of this Act.

Act not to affect present Law as to Nuisances.

CLXII. That nothing in this Act contained shall be construed to render lawful any Act or Omission on the Part of any Person which is, or but for this Act would be, deemed to be a Nuisance, nor to exempt any Person guilty of Nuisance from Prosecution or Action in respect thereof, in the same Way and Manner as before the passing of this Act.

Power to provide Premises for the Reception of the Dead previously to Interment.

CLXIII. That the Commissioners may, if, for the Purpose of preventing the Evils occasioned by the Retention of the Dead in the Dwellings of the Poor or otherwise, they shall think fit, provide, fit up, and make Bye Laws with respect to the Management and Charges for the Use of Rooms or Premises in which Corpses may be received and decently and carefully kept previously to Interment; and the Commissioners may, upon Application, and subject to such Regulations, and at such Rates and Charges as shall be prescribed by any such Bye Laws, make all necessary Arrangements for the decent and economical Interment of any Corpse which may have been received into any Rooms or Premises so provided in pursuance of this Enactment.

Burial Grounds, &c. dangerous to Health may be prohibited.

CLXIV. That if upon an Application by the Commissioners, and after Evidence to his Satisfaction that there is sufficient Ground to justify the Conclusions of such Application, the Sheriff shall certify (such Certificate to be published in the *Edinburgh Gazette* and in some One or more of the public Newspapers usually circulated within the Burgh) that any Burial Ground situate within the Burgh is in such a State as to be dangerous to the Health of Persons living in the Neighbourhood thereof, or that any Church or other Place of public Worship within the Burgh is dangerous to the Health of Persons frequenting the same by reason of the surcharged State of the Vaults or Graves within the Walls of or underneath

Nuisances.

underneath the same, and that sufficient Means of Interment exist within a convenient Distance from such Burial Ground, Church, or Place of Public Worship, it shall not be lawful after a Time to be named in such Certificate to bury or permit or suffer to be buried any further Corpses or Coffins in, within, or under the Ground, Church, or Place of Worship to which the Certificate relates, except in so far as may be allowed by such Certificate; and whosoever after Notice of such Certificate buries or causes, permits, or suffers to be buried any Corpse or Coffin contrary to this Enactment shall for every such Offence be liable to a Penalty of Twenty Pounds.

As to Interments within Churches or Burial Grounds newly erected or formed.

CLXV. That no Vault or Grave shall be constructed or made within the Walls of or underneath any Church or other Place of Public Worship built in the Burgh, after the Adoption of this Act with respect to Burial Grounds and Interments, and no Burial Ground shall be made or formed within any District after such Adoption of this Act, without the Consent of the Sheriff first had and obtained, unless the same be made or formed upon Land purchased or authorized by Parliament to be appropriated for the Purpose of being used as a Burial Ground before such Adoption of this Act; and whosoever shall bury or cause, permit, or suffer to be buried any Corpse or Coffin in any Vault, Grave, or Burial Ground constructed, made, or formed contrary to this Enactment shall for any such Offence be liable to a Penalty not exceeding Fifty Pounds, which may be recovered by any Person, with full Costs of Suit, in an Action of Debt.

Grounds for Burials may be purchased in place of those closed.

CLXVI. That it shall be lawful for the Commissioners to purchase or provide for the Use of the Inhabitants of the Burgh a suitable Piece or Plot of Ground for the Purpose of supplying the Place of such Burial Ground as it may be necessary to shut up; provided that the Commissioners shall not charge a higher Price on Fees for Graves or Interment in such new Ground than were previously paid in the old Burial Ground.

Lodging Houses.

And with respect to the Police of Burghs, and to Lodging Houses, be it enacted as follows:

For the Regulation and Inspection of Lodging Houses.

CLXVII. That it shall not be lawful to keep or use as a Lodging House within the Burgh any House, not being a licensed Victualling House, unless such House shall have been registered as a Lodging House in a Book to be kept by the Commissioners for that Purpose.

Commissioners to keep a Register

CLXVIII. That the Commissioners shall cause a Register to be kept in which shall be entered the Names of all such Persons as apply to

Lodging Houses.

of Lodging House Keepers, and make Rules for promoting Cleanliness and Ventilation.

to have the Houses occupied by them registered as Lodging Houses, and the Situations of such Houses; and the Commissioners shall from Time to Time fix the Number of Lodgers who may be received into each such Lodging House, and make Rules for promoting Cleanliness and Ventilation in such Lodging House; and they shall order that a Ticket containing the Number of Lodgers allowed to be received into the House, and a Table of Rules for promoting Cleanliness and Ventilation, shall be hung up or placed in a conspicuous Part of each Room into which Lodgers are received; and the Keepers of all such Lodging Houses shall at all Times observe such Rules, and give Access to such Lodging Houses when required by any Persons appointed by the Commissioners, for the Purpose of Inspection thereof, or for the Purpose of performing therein any disinfecting Process which the Commissioners may order.

Penalty on Lodging House Keepers not complying with the Provisions of the Act.

CLXIX. That every Person who shall keep any Lodging House, or receive Lodgers therein, without such Lodging House having been duly registered, or who shall receive into the same more Lodgers than shall be allowed by the Commissioners, or who shall fail to keep such Ticket or such Table of Rules as aforesaid hung up or displayed as required by the Commissioners, or who shall neglect to cause such Rules to be observed in such Lodging House, or who shall refuse to admit to such Lodging House at all reasonable Times any Person appointed by the Commissioners for any of the Purposes aforesaid, or who shall wilfully obstruct any such Person in performing any disinfecting Process therein which the Commissioners may order, shall be liable to a Penalty not exceeding Forty Shillings for each such Offence.

Keepers of Lodging Houses to report Cases of Fever.

CLXX. That all Keepers of Lodging Houses shall, in the event of any Person in their respective Houses becoming ill of Fever or any other Disease, forthwith make Intimation thereof to one of the Magistrates of Police, or the Superintendent of Police, or the Officer of Health, in order that the Nature of the Complaint of such Person may be ascertained, and the proper medical Attendance and Treatment procured; and if any Lodger or other Person in any Lodging House shall have been confined to Bed for Twenty-four Hours by Illness, of whatever Kind, without the Keeper of such House making such Intimation, such Keeper shall for such Neglect be liable to a Penalty not exceeding Forty Shillings.

Commissioners may make Orders in Cases of infectious

CLXXI. That if at any Time the Officer of Health, or, if for the Time being there be no Officer of Health, any Two Surgeons or Physicians, or One Surgeon and One Physician, certify under his or their

their Hands to the Commissioners that any infectious or contagious Disease exists in any Lodging House, the Commissioners shall have Power to pronounce such Order as the Officer of Health, or, failing him, such Medical Persons, shall sanction with reference to the Health of the Patient and other Inmates and of the Public; and if such Keeper do not comply with such Order he shall be liable to a Penalty not exceeding Ten Shillings for every Day's Neglect thereof, and in such Case the Commissioners may cause such Lodging House to be cleansed and purified, and may recover the Expense thereof from such Keeper in the same Manner as Damages.

Disease in Lodging Houses.

And with respect to the Police of Burghs, and to Slaughter-houses, be it enacted as follows:

Slaughter-houses.

CLXXII. That the Commissioners may license such Slaughter-houses as they from Time to Time think proper for slaughtering Cattle within the Burgh.

Commissioners may license Slaughter-houses.

CLXXIII. That no Place shall be used or occupied as a Slaughter-house within the Burgh which was not in exclusive Use and Occupation as such at the Time of the Adoption by such Burgh of this Act, and has so continued ever since, unless and until a Licence for the Erection thereof, or for the Use and Occupation thereof, as a Slaughter-house, have been obtained from the Commissioners; and every Person who, without having first obtained such Licence as aforesaid, uses as a Slaughter-house any Place within the Burgh not used exclusively as such at the Time of the Adoption by such Burgh of this Act, and so continued to be used ever since, shall for each Offence be liable to a Penalty not exceeding Five Pounds, and a like Penalty for every Day after the Conviction for such Offence upon which such Offence is continued.

No new Slaughter-houses in future to be erected without a Licence.

CLXXIV. That every Place within the Burgh which shall be used as a Slaughter-house shall, within Three Months after the Date of such Adoption of this Act, be registered by the Owner or Occupier thereof at the Office of the Commissioners, and on Application to the Commissioners for that Purpose the Commissioners shall cause every such Slaughter-house to be registered in a Book to be kept by them for that Purpose; and every Person who after the Expiration of the said Three Months, and after One Week's Notice of this Provision from the Commissioners, uses or suffers to be used any such Place as a Slaughter-house, without its being so registered, shall be liable to a Penalty not exceeding Five Pounds for such Offence, and a Penalty not exceeding Ten Shillings for every Day after the first Day during which

Existing Slaughter-houses to be registered.

Slaughter-houses.

which such Place shall be used as a Slaughter-house without having been so registered.

Commissioners may put down Slaughter-houses on making Compensation to Owners.

CLXXV. And be it enacted, That it shall be lawful for the Commissioners, where they shall think proper, to put down any existing Slaughter-houses within the Burgh, on making Compensation, where any legal Claim for Compensation exists, to the Owners thereof in the Manner provided by the Lands Clauses Consolidation (*Scotland*) Act, 1845, and the Case of Lands taken otherwise than with the Consent of the Owners and Occupiers thereof.

Commissioners may make Bye Laws for Regulation of Slaughter-houses, &c.

CLXXVI. That the Commissioners shall from Time to Time, by Bye Laws, to be made and confirmed in the Manner herein-after provided, make Regulations for the licensing, registering, and Inspection of Slaughter-houses, and preventing Cruelty therein, and for keeping the same in a cleanly and proper State, and for removing Filth at least once in every Twenty-four Hours, and requiring them to be provided with a sufficient Supply of Water, and they may impose pecuniary Penalties on Persons breaking such Bye Laws; provided that no such Penalty exceed for any One Offence the Sum of Five Pounds, and in the Case of a continuing Nuisance the Sum of Ten Shillings for every Day during which such Nuisance shall be continued after the Conviction for the first Offence.

Licence of Slaughter-houses may be suspended, in addition to Penalty imposed.

CLXXVII. That the Sheriff or Magistrate before whom any Person is convicted of killing or dressing any Cattle contrary to the Provisions of this Act, or of the Non-observance of any of the Bye Laws or Regulations made by virtue of this Act, in addition to the Penalty imposed on such Person under the Authority of this Act, may suspend for any Period not exceeding Two Months the Licence granted to such Person under this Act, or, in case such Person be the Owner or Proprietor of any registered Slaughter-house, may forbid for any Period not exceeding Two Months the slaughtering of Cattle therein; and such Sheriff or Magistrate, upon the Conviction of any Person for a second or other subsequent like Offence, may, in addition to the Penalty imposed under the Authority of this Act, declare the Licence granted under this Act revoked, or if such Person be the Owner or Proprietor of any registered Slaughter-house, may forbid absolutely the slaughtering of Cattle therein; and whenever the Licence of any such Person is revoked as aforesaid, or whenever the slaughtering of Cattle in any registered Slaughter-house is absolutely forbidden as aforesaid, the Commissioners may refuse to grant any Licence whatever to the Person whose Licence has been so revoked, or on account of whose Default

Default the slaughtering of Cattle in any registered Slaughter-house has been forbidden.

Slaughter-houses.

CLXXVIII. That every Person who during the Period for which any such Licence is suspended, or after the same is revoked as aforesaid, slaughters Cattle in the Slaughter-house to which such Licence relates, or otherwise uses such Slaughter-house, or allows the same to be used as a Slaughter-house, and every Person who during the Period that the slaughtering of Cattle in any such registered Slaughter-house is forbidden as aforesaid, or after such slaughtering has been absolutely forbidden therein, slaughters any Cattle in any such registered Slaughter-house, shall be liable to a Penalty not exceeding Five Pounds for such Offence, and a further Penalty of Five Pounds for every Day on which any such Offence is committed after the Conviction for the first Offence.

Penalty for slaughtering Cattle during Suspension of Licence, &c.

CLXXIX. Provided always, and be it enacted, That nothing herein contained shall prejudice or affect the Rights, Privileges, Powers, or Authorities of any Persons incorporated or authorized by any Local Act of Parliament passed before the passing of this Act, or that may be passed during the present Session of Parliament, for the Purpose of making and maintaining Slaughter-houses for the Accommodation of any City, Town, Burgh, or Place.

Saving Rights of Persons incorporated by Act of of Parliament for maintaining Slaughter-houses.

CLXXX. That the Business of a Blood-boiler, Bone-boiler, Tanner, Slaughterer of Cattle, Horses, or Animals of any Description, Soap-boiler, Tallow-melter, Tripe-boiler, or other noxious or offensive Business, Trade, or Manufacture, shall not be newly established in any Building or Place within the Burgh, without the Consent of the Commissioners; and whosoever offends against this Enactment shall be liable for each Offence to a Penalty of Fifty Pounds, and a further Penalty of Forty Shillings for each Day during which the Offence is continued; and the Commissioners may from Time to Time make such Bye Laws with respect to any such Businesses so newly established as they may think necessary and proper, in order to prevent or diminish the noxious or injurious Effects thereof.

Offensive Trades newly established to be subject to Regulation of Commissioners.

And with respect to the Police of Burghs, and to the Sale or Exposure for Sale of unwholesome and adulterated Food, be it enacted as follows:

Unwholesome Food.

CLXXXI. That in any Shop, Building, Stall, or Place kept or used for the Sale of Butchers Meat, Poultry, or Fish, no Animal, Carcase, Meat, Poultry, Game, Flesh, or Fish which is unfit for the Food of Man shall be kept or retained, unless entirely separate and apart from any

Provision against Sale of unwholesome Meat;

Unwholesome Food.

any Animal, Carcase, Meat, Poultry, Game, Flesh, or Fish which is intended for such Food, nor unless the same be ticketed in large and legible and conspicuous Characters as being unfit for such Food; and any Person who shall keep in any Shop, Building, Stall, or Place occupied or used by him as aforesaid any Animal, Carcase, Meat, Poultry, Game, Flesh, or Fish which is unfit for the Food of Man, otherwise than entirely separate and apart, and ticketed as aforesaid, shall be liable to a Penalty not exceeding Ten Pounds; and the Inspector of Nuisances, Officer of Health, or any other Officer appointed by the Commissioners for that Purpose, may and he is hereby empowered, at all reasonable Times, with or without Assistants, to enter into and inspect any Shop, Building, Stall, or Place kept or used for the Sale of Butchers Meat, Poultry, or Fish, or as a Slaughter-house, and to examine any Animal, Carcase, Meat, Poultry, Game, Flesh, or Fish which may be therein; and in case any Animal, Carcase, Meat, Poultry, Game, Flesh, or Fish appear to him to be intended for the Food of Man, and to be unfit for such Food, the same may be seized; and if it appear to any Magistrate, or to the Sheriff, upon the Evidence of a competent Person, that any such Animal, Carcase, Meat, Poultry, Game, Flesh, or Fish is unfit for the Food of Man, he shall order the same to be destroyed, or to be so disposed of as to prevent its being exposed for Sale or used for such Food; and the Person to whom such Animal, Carcase, Meat, Poultry, Game, Flesh, or Fish belongs, or in whose Custody the same is found, shall be liable to a Penalty not exceeding Ten Pounds for every Animal or Carcase, Fish, or Piece of Meat, Flesh, or Fish, or any Poultry or Game, so found, and as to which such Magistrate or Sheriff shall be satisfied that it was intended for the Food of Man.

and against Sale of adulterated Food.

CLXXXII. That if any Person shall sell or expose for Sale any adulterated Butter, Meal, Bread, or other Article of Food, knowing the same to be adulterated, such Person so offending shall, upon Conviction before the Sheriff or Magistrate, for every such Offence be liable to a Penalty not exceeding Five Pounds, and such adulterated Article shall be forfeited, and disposed of as the Sheriff or any Magistrate shall direct; and it shall be lawful for the Sheriff or Magistrate, on the Application of the Superintendent of Police or Officer of Health, or other Officer acting under this Act, setting forth that he has received Information and has just Cause to believe that any adulterated Article of Food is in the Possession of any Person for the Purpose of being disposed of, to grant Warrant to enter upon the Premises of such Person, and to search for and seize such Article of Food, and to forfeit and dispose of the same as to him shall seem proper.

CLXXXIII. And

CLXXXIII. And with respect to the Police of Burghs and to Gunpowder, be it enacted, That no Gunpowder shall be sold within the Burgh by Gas or Candle or other artificial Light, under a Penalty not exceeding One Pound to be paid for each Offence by the Person so selling the same; and no Person shall keep at any Time in any Place more than Ten Pounds Weight of Gunpowder, under a Penalty for the First Offence of any Sum not exceeding One Pound, for the Second Offence not exceeding Three Pounds, and for the Third and any subsequent Offence not exceeding Five Pounds, besides Forfeiture of all the Gunpowder which shall be found in such Place exceeding the aforesaid Weight; and the aforesaid Quantity of Ten Pounds Weight of Gunpowder allowed to be kept as aforesaid shall be deposited in a Place by itself, separate from all other Goods and Commodities, and shall be secured by Lock and Key, under a Penalty not exceeding One Pound to be paid for each Offence by the Occupier of the Premises in which such Quantity of Gunpowder not so kept and secured as aforesaid shall be found: Provided always, that the Commanding Officer of any of Her Majesty's Military or Naval Forces, or of any Volunteer or Yeomanry Corps, may keep such a Quantity of Gunpowder as he may think necessary for Military Purposes.

Regulations as to Gunpowder.

And with respect to the Police of Burghs, and to the weighing of Articles, and the Prevention of Frauds, be it enacted as follows:

Weighing Machines.

CLXXXIV. That it shall be lawful for the Commissioners to erect, so far as not already done, and maintain, Steelyards, Scales, or other Weighing Machines, upon or adjacent to the different Streets or at any other convenient Places within the Burgh, for the Purposes herein-after mentioned, or to grant Powers to others to that Effect, and to appoint proper Persons to attend the same, with suitable Allowances for their Trouble.

Weighing Machines to be erected.

CLXXXV. That it shall be competent to the Purchaser of any Coals, or to the Driver of any Cart loaded with Coals, to require that any such Cart loaded with Coals shall be weighed at the said Steelyard, Scales, or other Weighing Machines; and the Weight of the Coals and of the Cart, and also the Time of such weighing, marked on a Ticket, shall be delivered to the Driver thereof; and the Person having the Charge of such Steelyards, Scales, or other Weighing Machines shall exact and receive from the Driver for each Cart a Sum not exceeding One Penny Halfpenny for weighing the Coals and delivering the Ticket as aforesaid; and the Money so to be paid shall be repaid to such Driver by the Purchaser of the Coals or

Power to Purchaser of Coals to require them to be weighed.

Weighing Machines.

Person to whom the same are delivered, on the Ticket thereof being produced.

Power to provide portable Machines for weighing Coals.

CLXXXVI. That it shall be lawful for the Commissioners to provide, furnish, and maintain such Number of portable or moveable Machines for weighing Coals as they may deem necessary, to be kept at convenient Places within the Burgh, in order that the Inhabitants may have Access to them for the Purpose of reweighing their Coals at their own Expense, if they shall be so inclined, and to employ proper Persons to attend such Machines, and to establish the Rates to be payable for such reweighing; and it shall be lawful for the Superintendent of Police, or any other Officer acting under this Act, to cause Coals offered for Sale or for Delivery to be reweighed, and to require the Driver to produce the Ticket thereof, as a Check on the Conduct of Drivers and others, such reweighing being always done free of Expense.

Retailers of Coals to keep Scales and Weights for weighing at the Time of Delivery.

CLXXXVII. That for the Purpose of ascertaining the Weight of Coals sold in Quantities of less than Half a Ton within any Yard, Depôt, Cellar, Fold, or Place where they may be kept, or from any Cart on which they may be carried by Dealers for Sale, such Dealers shall be obliged to have and keep Scales and Weights of the legal Standard within such Yard, Depôt, Cellar, Fold, or other Place, and also to have such Scales and Weights attached to the Cart used by them for the Sale of such Coals, whereby the Coals so sold by Retail may be weighed at the Time of the Sale or Delivery, and such Dealers shall be obliged to weigh the same, upon being required to do so either by the Person purchasing the same or by any Constable or Officer of Police; and any such Dealer in Coals failing to have and keep such Scales and Weights, or refusing to weigh the Coals as aforesaid, shall, upon Conviction before the Sheriff or Magistrate, be liable to a Penalty not exceeding Forty Shillings, and Five Pounds for any subsequent Offence.

Penalty on Driver refusing to weigh.

CLXXXVIII. That if any Driver or other Person having the Charge of any Cart shall not, upon being so required as aforesaid, take the same to any such public Weighing Machine, or shall refuse to assist in the weighing of the same in such Manner as the Drivers of Carts are used and accustomed to do, such Driver or other Person shall, upon Conviction before the Sheriff or Magistrate, for each Offence be liable to a Penalty not exceeding Forty Shillings.

Penalty on fraudulent weighing.

CLXXXIX. That if the Keeper of any Weighing Machine used within the Burgh for the Purpose of ascertaining the Weight of Coals, or the Seller of any Coals which shall be weighed at such Weighing Machine,

Machine, or any of their respective Servants, shall wilfully, on Application, refuse duly to weigh or reweigh any Cart with or without Loading, or shall designedly do or omit to do anything with Intent that the true Weight or Measurement of any Coals weighed thereat shall not be ascertained, or if the Owner or Driver or other Person having the Charge of any Cart shall place or knowingly have any Article, Matter, or Thing in or about such Cart, other than the proper Load therein, or shall alter the Tare or Weight or the Ticket denoting the Weight of any Cart or the Loading thereof, or shall make, use, or be privy to the making or using any false or fraudulent Ticket respecting the Weight of any such Cart or Loading, or if by reweighing or otherwise it shall be discovered that any Coals have been abstracted by such Owner, Driver, Person in charge, Keeper, or Servant, from such Cart, after it shall have passed the Steelyard or Weighing Machine where it was originally weighed, or if the Owner or Driver or Person in charge of any Cart, or the Keeper of any Machine as aforesaid, or his Servants, shall make or give or use, or be privy to the making or giving or using, any false or fraudulent Contrivance touching the Weight of any Cart or of the Load therein, or shall knowingly assist in or connive at any Fraud in or concerning the Weight of any Cart or of the Load therein, or if any other Person shall knowingly aid or assist in the committing of any Fraud respecting the Weight of any Cart or the Load therein, weighed or stated or represented to be weighed at any such Machine as aforesaid, then and in every such Case every Person so offending shall, upon Conviction before the Sheriff or Magistrate, for every Offence be liable to a Penalty not exceeding Five Pounds, or to be imprisoned for any Period not exceeding Thirty Days.

Weighing Machines.

CXC. That in order to prevent Fraud in the Weight of Hay and Straw, or other Commodities usually weighed in Carts, it shall be lawful for the Commissioners to make Regulations for ascertaining the Weight or Quantity of Hay or Straw or other Commodities brought within the Burgh, upon Parties voluntarily resorting to the said Weighing Machines for the Purpose, and for the Sheriff or Magistrate to punish Persons disobeying such Regulations, by seizing, forfeiting, and selling such Hay and Straw or other Commodities so brought in contravention of such Regulations, or by imposing on the Offender a Penalty to the Extent and in the Manner before prescribed in respect of Coals which have not been duly weighed, and also to fine all Persons driving Carts from which Hay or Straw or other Commodities shall have been fraudulently taken or embezzled, and all Persons accessory to such fraudulent taking or Embezzlement, in any

Regulations may be made for preventing Fraud in the Weight of Hay, Straw, &c.

Weighing Machines.

any Penalty not exceeding Five Pounds, or to sentence him to Imprisonment for any Period not exceeding Thirty Days.

Brokers and Pawnbrokers.

And with respect to the Police of Burghs, and to Brokers and Pawnbrokers, be it enacted as follows:

Brokers to be licensed.

CXCI. That from and after the passing of this Act no Person shall within the Burgh exercise or carry on the Trade or Business of a Broker, unless he shall have first obtained a Licence so to do from the Magistrates of Police, which Licence such Magistrates shall have a discretionary Power of granting or refusing, as they shall see Cause, and which, when granted, shall continue in force until the Term of *Whitsunday* in each Year, and no longer, unless sooner revoked or suspended, which the Magistrates are hereby authorized to do on legal Conviction of any Violation of any of the Conditions of such Licence or of the Provisions of this Act; and every Person to whom such Licence shall be given or renewed shall for each such Licence or Renewal thereof pay to the Clerk a Sum not exceeding Two Shillings and Sixpence, as the Expense of such Licence or Renewal, and of recording the same in a Book to be kept by him for that Purpose; and if any Person shall within the Burgh exercise or carry on the Trade or Business of a Broker without having first obtained such Licence as aforesaid, or after the Revocation or during the Suspension thereof, or shall contravene the Terms of such Licence or any of the Provisions of this Act, such Person shall for such Offence be liable to a Penalty not exceeding Five Pounds: Provided always, that no licensed Pawnbroker carrying on Business as such shall be entitled to carry on the Trade or Business of a Broker (but nothing in this Provision shall be held to apply to the Sale of Goods *bonâ fide* forfeited in accordance with the Pawnbrokers Act), and it shall not be lawful for the Magistrates to issue any such Broker's Licence to any Pawnbroker.

Brokers to furnish a Description of their Premises, and keep Books.

CXCII. That every Person who shall apply to be licensed as a Broker shall at the Time of his Application, and at *Whitsunday* yearly thereafter, furnish to the Clerk in Writing a Description of his Premises, including all Cellars, Closets, and other Places proposed to be used by him in the course of his Trade; and all Brokers shall enter in Books to be kept by them a proper and distinctive Description of each Article purchased or received by them, the Name and Place of Abode of the Person from whom they have purchased or received the same, and the Date and Hour of the Day of each such Transaction, and the Price paid or agreed to be paid for such Articles; and if any such Broker shall fail to make proper Entries in

Penalty on failing to make proper Entries.

in such Book he shall for each Offence be liable to a Penalty not exceeding Five Pounds.

Brokers and Pawnbrokers.

CXCIII. That all Articles purchased or received by such Brokers shall be kept by them in their Shops, or other Places where their ordinary Business is carried on, for the full Period of Seven Days from and after the Date on which it shall appear from their Books that such Articles have been purchased or received; and every Broker who shall sell or otherwise dispose of, or remove from his Premises as aforesaid, any such Articles, before the Expiry of such Period of Seven Days, or shall fail at any Time in the course of that Period to produce such Articles to the Superintendent of Police, or to any Constable acting under him, when required so to do, shall for each Offence, upon Conviction before the Sheriff or Magistrate, be liable to a Penalty not exceeding Five Pounds.

Brokers to retain Articles for Seven Days after having received them.

Penalty for Neglect.

CXCIV. That every Broker shall at all reasonable Times exhibit and produce, on Demand, to the Superintendent of Police, or to any Constable acting under him, all Articles in his Possession, or which he may have received or purchased, and shall also produce his Books in which the Description of any such Articles is or should have been entered, when required in the Police Court, or to the Superintendent of Police, or any Constable acting under him and having the Authority of the Sheriff or Magistrate, in which Book the Constable requiring and obtaining Production thereof shall on every Occasion subscribe his Name immediately following the last Entry therein; and as often as it shall be found that any Goods or Articles which have been stolen, embezzled, or fraudulently obtained shall be in the Possession of any Broker, he is hereby required, on being informed by the Superintendent of Police or other Constable authorized as aforesaid that such Goods or Articles were stolen, embezzled, or fraudulently obtained, to deposit the same with the Superintendent of Police, in order that they may be produced in such Manner as may be necessary for the Ends of Justice, or, upon Proof of Ownership to the Satisfaction of the Judge, restored to the proper Owner thereof; and every Broker who shall refuse to produce and show the Goods or Articles in his Possession, or the Books in which the same are or should have been described, on being required so to do, or who shall refuse to allow the Superintendent of Police or Constable requiring the same to subscribe his Name, or who shall not deposit any such Goods or Articles stolen, embezzled, or fraudulently obtained as aforesaid, shall, upon Conviction before the Sheriff or Magistrate, for every such Offence be liable to a Penalty not exceeding Five Pounds;

Brokers to produce Articles, on Demand.

 without

Brokers and Pawnbrokers.

without Prejudice to such Broker being also proceeded against as a Receiver or Resetter of stolen Goods according to Law.

Pawnbroker to produce his Books, on Demand.

CXCV. That every Pawnbroker shall at all Times during his Hours of Business produce, on Demand, to the Superintendent of Police, or to any Constable acting under him, his Books in which the Articles received by him in Pledge are entered, and shall exhibit to such Superintendent of Police all Goods regarding which Information shall have been given tending to show or to render probable that the same have been stolen, embezzled, or fraudulently taken, and, if required, shall deposit the same with the Superintendent of Police, for the Ends of public Justice, on receiving a Receipt for such Goods; and any Pawnbroker who shall refuse to produce his Books, or to exhibit, and, if required, to deposit any Goods as aforesaid, shall for every Offence be liable to a Penalty not exceeding Five Pounds.

Brokers, &c. to report stolen Goods, under a Penalty for Neglect.

CXCVI. That if any Goods or Articles regarding which written or printed Information shall be given by any Constable to any Pawnbroker or Broker as having been stolen, embezzled, or fraudulently obtained, shall then be or thereafter come into the Possession of such Pawnbroker or Broker, such Pawnbroker or Broker shall without unnecessary Delay give Information to the Magistrate or at the Police Office that certain Goods or Articles answering the Description of the said Goods or Articles were offered to him or are in his Possession, and shall also state the Name and Address given by the Party by whom the same were offered or from whom the same were received, under a Penalty not exceeding Five Pounds for each and every such Neglect or Offence: Provided always, that in the Case of Wearing Apparel or other Articles which it may be difficult for such Pawnbroker or Broker to trace out and identify, no Fine shall be exigible in respect of not reporting such Articles, unless it shall appear to the Sheriff or Magistrate that such Articles had been knowingly concealed by such Pawnbroker or Broker.

If stolen Articles be altered or defaced by Broker, he shall be held to be Receiver of stolen Goods.

CXCVII. That if any Broker shall, after receiving Information of the Theft, or the embezzling or the fraudulent Disposal of any Metals, Goods, or Articles of whatsoever Description, melt, alter, deface, or put away the same, or shall cause the same to be melted, altered, defaced, or put away, without having previously received the Permission of the Magistrate, and if it shall be found that such Metals, Goods, or Articles were stolen, embezzled, or fraudulently disposed of by the Person from whom such Broker received the same, or by any other Person, then and in such Case it shall be held that such

such Broker knew that such Metals, Goods, or Articles were stolen, embezzled, or fraudulently disposed of, and such Broker shall be proceeded against according to Law as a Receiver of stolen Goods, or as being a Party to the Fraud, and punished accordingly; and no other Evidence of his Guilt shall be necessary than Evidence of such melting, altering, defacing, or putting away, after receiving Information as aforesaid.

Brokers and Pawnbrokers.

CXCVIII. That it shall not be lawful for any Broker or any Pawnbroker to carry on Business as a Publican or Retailer of exciseable Liquors, nor for any Broker to purchase, receive, or take the Note or Ticket of any Pawnbroker for any Goods or Articles which have been pawned, or to contract or negotiate in any Manner with the Holder of any such Note or Ticket, or any Person in his Behalf, for the Purchase of Goods or Articles specified therein; and if any Broker shall offend herein, either by himself or his Servant, or any other Person having the Charge of his Premises, and for whom in such Case he shall be held responsible, such Broker shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

Brokers not to carry on Business of Publicans, nor to purchase Tickets of Pawnbrokers.

CXCIX. That if any Broker shall receive or take any Goods or Articles in Pledge, such Broker shall, upon Conviction thereof by the Oath of One or more credible Witness or Witnesses, for every such Offence be liable to a Penalty not exceeding Five Pounds.

Brokers not to take Articles in Pledge.

CC. That it shall not be lawful for a Pawnbroker and a Broker to carry on their respective Trades within the same Premises, or in separate Premises having a Communication with each other; and every Pawnbroker or Broker who shall offend herein shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

Pawnbroker and Broker not to carry on Business in the same Premises.

CCI. That it shall not be lawful for any Broker at any Time to sell to or purchase from any Person who shall apparently be under Fourteen Years of Age; and if any Broker shall offend herein, either by himself or his Servant, or any other Person having the Charge of his Premises, and for whom in such Case he shall be held responsible, such Broker shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

Penalty on Brokers transacting Business with Persons under 14 Years of Age.

CCII. That it shall not be lawful for any Broker to sell to or purchase from or have any Business Transaction whatsoever with any Person between the Hours of Ten o'Clock of each Saturday Night

Penalty on Brokers transacting Business between certain Hours.

Brokers and Pawnbrokers.

Night and Nine o'Clock in the Morning of the following *Monday;* and if any Broker shall offend herein, either by himself or his Servant, or any other Person having the Charge of his Premises, and for whom in such Case he shall be held responsible, such Broker shall, on being convicted thereof by the Oath of One or more credible Witness or Witnesses, for every such Offence be liable to a Penalty not exceeding Five Pounds.

Penalty on Pawnbrokers, &c. purchasing Tickets issued by Charitable Institutions.

CCIII. That any Pawnbroker or Broker who shall, either by himself or his Servant, or by any other Person having the Charge of his Premises or Business, and for whom in such Case he shall be held responsible, and any other Person who shall purchase, receive, or take any Note or Ticket issued by Authority of any Parochial Board or Charitable Institution, or any Article of Clothing issued as aforesaid, and legibly marked as or known by him to be so issued, shall for each such Offence be liable to a Penalty not exceeding Five Pounds, without Prejudice to such Pawnbroker, Broker, or other Person being proceeded against according to Law as a Resetter of stolen Goods.

Brokers to have their Names painted over Shop Doors.

CCIV. That every Person licensed as a Broker shall have his Name, with the Words "Licensed Broker," painted over the Door or principal Entrance of his Premises, in large Characters, either Black upon a White Ground or White upon a Black Ground, and shall from Time to Time replace the same when removed, obliterated, or defaced, under a Penalty not exceeding Twenty Shillings.

Vagrants and Beggars.

And with respect to the Police of Burghs, and to the Suppression of Vagrants and Beggars, be it enacted as follows:

Vagrants and Beggars to be apprehended, and, upon Conviction, imprisoned.

CCV. That it shall be lawful for any Constable to apprehend and bring before the Magistrate all Persons found begging, and all Persons conducting themselves as Vagrants, having no fixed Place of Residence, and no lawful Means of gaining their Livelihood, within the Burgh, and such Persons, upon Conviction, shall be liable to be imprisoned for any Period not exceeding Thirty Days; and if any Money be found upon their Persons, such Money may be applied towards their Maintenance while in Prison, and towards their Transmission thereafter to the Parish of their Settlement.

Procedure as to Persons sending out Children to beg.

CCVI. That it shall be lawful for any Constable to apprehend and bring before the Magistrate all young Persons found begging, or sent or suffered to go out for that Purpose, within the Burgh, and also the Parents

Vagrants and Beggars.

Parents of such young Persons, or other Relations to whose Control they are subject, by whom they have been so sent or suffered to go out, and also any other Persons by whom such young Persons have been so sent out; and on the Complaint being established that such young Persons have been sent out or suffered to go out for that Purpose by their Parents or either of them, or by any other Relation to whose Control they are subject, or have been sent out for that Purpose by any other Person, it shall be lawful for the Magistrate to punish such Parent, Relation, or other Person as a Vagrant or disorderly Person, by Imprisonment for a Period not exceeding Thirty Days.

Beggars and Vagrants to be handed over to the Parochial Authorities.

CCVII. That it shall be lawful for any Constable to apprehend and bring before the Magistrate all such Beggars, Vagrants, and idle poor Persons, Men, Women, or Children, strolling or wandering or seeking Relief, or found lying in any Outhouse, Stair, Close, or Area or other Place within the Burgh; and it shall be lawful for the Magistrate to direct and cause all such Persons as he may not at the Time convict of Begging and Vagrancy, as herein-before provided, to be handed over to the Inspector of the Poor or other Official of the Parish within which such Persons shall have been found, in order that their Claim as Paupers may be investigated and disposed of according to Law.

Keepers of Lodging Houses for Mendicants to report Persons resorting thereto.

CCVIII. That every Person letting Lodgings or giving Accommodation for the Night or Day to mendicant or vagrant Persons within the Burgh shall, if required by any Order of the Commissioners specially made and served upon such Person, be bound to report each and every Day at the Police Office, or to the Superintendent of Police or Constable of the District, every Person who has resorted to such House during the preceding Night or Day; and for that Purpose Schedules shall be furnished by the Commissioners to the Persons so ordered to report, which Schedules they shall be bound to fill up with the Information required, and transmit to the Police Office, or to the Superintendent of Police or Constable of the District as aforesaid; and if any such Person shall fail to comply with any such Order he shall, upon Conviction before the Magistrate, for each Offence be liable to a Penalty not exceeding Five Shillings.

Penalty against Chain-droppers, Swindlers, &c.

CCIX. And with respect to the Police of Burghs, and to the Punishment of Chain-droppers and Swindlers, be it enacted, That all Chain-droppers, Thimblers, loaded Dice Players, and other Swindlers of that or any similar Description, who shall be found in possession of Implements or Articles for practising Games of Hazard, or who shall exhibit such Implements or Articles in order to induce or entice, or who shall induce or entice, any Person to play at any Game of Hazard, or who

Vagrants and Beggars.

by any fraudulent Art or Device shall cozen and cheat or attempt to cozen and cheat any Person, may be convicted before the Sheriff or Magistrate on the Testimony of One or more credible Witness or Witnesses, and on Conviction shall be imprisoned for any Term not exceeding Thirty Days, and shall also at the same Time be sentenced to repay any Money or restore any Property which they may have obtained by means of any such Offence, and failing such Payment or Restoration may under the same Procedure be committed to or detained in Prison for any further Term not exceeding Thirty Days.

Paving.

And with respect to paving and maintaining Streets, be it enacted as follows:

Power to the Commissioners to improve and form public Streets.

CCX. That the Commissioners may from Time to Time cause all or any of the Streets within the Burgh, not under the Management of any Turnpike Road or other Trustees, or any Part of such Streets respectively, to be raised, lowered, altered, and formed in such Manner and with such Materials as they think fit, and they may also form, with such Materials as they think fit, any Footways for the Use of Passengers in any such Street, and cause such Streets and Footways to be repaired from Time to Time: Provided always, that nothing in this Act contained shall interfere with any Right to have applied to such Streets any Commutation for Statute Labour or other Fund by Law applicable to the Maintenance or Repair of such Streets.

Commissioners may place Fences to Footways.

CCXI. That the Commissioners shall from Time to Time place such Fences and Posts on the Side of the Footways of Streets as may be needed for the Protection of Passengers on such Footways, and they may place Posts in the Carriageways of such Streets, so as to make the crossing thereof less dangerous for Foot Passengers, and they shall from Time to Time repair any such Fences or Posts, or may remove the same, or any Obstructions to any such Carriageway or Footway, as they think fit.

Foot Pavements.

CCXII. And be it enacted, That the Owners of all Houses and other Buildings, or of Gardens, Yards, Grounds, and other Heritages on which Buildings are not erected, which are adjoining to or fronting any Street, Square, or other public or principal Place within any Burgh, shall, at their own Expense, when required by the Commissioners, cause Footways before their Property respectively on the Sides of the said Streets, Squares, or other public or principal Places, to be made, and to be well and sufficiently paved with flat, hewn, or other Stones, or to be constructed in such other Manner and Form and of such Breadth as the Commissioners shall direct; and in case such Owners shall refuse or neglect or delay so to do, any Magistrate

Paving.

Magistrate before whom such Complaint shall be brought may fine and amerce such Owners in a Penalty not exceeding double the Amount of the estimated Expense, and on Recovery shall thereout defray the Expense incurred in making such Footways.

Where public Streets have not heretofore been paved, Commissioners may cause them to be paved at the Expense of the Occupiers of adjoining Lands.

CCXIII. That if any Street have not before the Adoption of this Act been well and sufficiently paved and flagged or otherwise made good, the Commissioners may cause such Street, or the Parts thereof not so paved and flagged or otherwise made good, to be paved and flagged or otherwise made good, in such Manner as they think fit, and the Expenses incurred by the Commissioners in respect thereof shall be repaid to them by the Occupiers of the Lands abutting on such Street, or such Parts thereof as have not been theretofore well and sufficiently paved and flagged or otherwise made good, and such Expenses shall be recoverable from such Occupiers respectively as herein provided with respect to Private Improvement Expenses, and thereafter such Street shall be repaired by the Commissioners out of the Assessments levied under this Act.

Penalty on Persons altering Pavements without the Consent of the Commissioners.

CCXIV. That every Person who wilfully displaces, takes up, or makes any Alteration in the Pavement, Flags, or other Materials of any Street, without the Consent of the Commissioners in Writing, or without other lawful Authority, shall be liable to a Penalty not exceeding Five Pounds, and also a further Sum not exceeding Five Shillings for every Square Foot of the Pavement, Flags, or other Materials of the Street exceeding One Square Foot so displaced, taken up, or altered.

Lighting.

And with respect to the lighting of Burghs, be it enacted as follows:

Commissioners may contract for lighting Streets.

CCXV. That the Commissioners may contract for any Period not exceeding Three Years at any One Time with the Owners of any Gasworks, or with any other Person, for the Supply of such Gas or Oil or other Means of lighting, and may provide such Lamps, Lamp Posts, and other Works as the Commissioners think necessary for lighting the Streets of the Burgh.

Price to be paid for Gas to be ascertained in case of Dispute.

CCXVI. That if the Commissioners and the Owners of any Gasworks authorized by Act of Parliament to supply Gas within the Burgh, and with whom the Commissioners shall be desirous of contracting, shall not agree as to the Price to be paid for such Supply, then such Price shall be settled by Arbitration, and for that Purpose the Clauses of "The Lands Clauses Consolidation (*Scotland*) Act, 1845," with respect to the Settlement of Disputes by Arbitration, shall be incorporated with this Act.

And

Officers.

And with respect to the Improvement of Burghs, and to the Officers to be appointed by the Commissioners for the Purposes of Burgh Improvement, be it enacted as follows:

Commissioners may appoint a Surveyor.

CCXVII. That the Commissioners may appoint a Person, duly qualified, to act as a local Surveyor of the Paving, Drainage, and other Works authorized under the Provisions of this Act, and may fix the Salary to be paid to such Surveyor, and pay such Salary out of the Assessments levied under this Act; and if any such Surveyor die, resign, or be removed, the Commissioners may appoint another Person, so duly qualified, in the Room of the Surveyor so dying, resigning, or removed; and the Commissioners may remove any such Surveyor.

Commissioners may appoint an Inspector of Nuisances.

CCXVIII. That the Commissioners may appoint some Person, by the Title of "Inspector of Nuisances," to superintend and enforce the due Execution of all Duties to be performed by the Scavengers appointed under this Act, and to report to the Commissioners any Breach of the Provisions of this Act, or of the Bye Laws, Rules, and Regulations of the Commissioners, and the Existence of any Nuisances within the Burgh; and the Commissioners shall duly publish the Name of any Inspector of Nuisances appointed by them, and shall require him to provide and keep a Book in which shall be entered all reasonable Complaints made by any Inhabitant of the Burgh of any Breach of the Provisions of this Act, or of the Bye Laws, Rules, and Regulations made by the Commissioners for the Preservation of due Order and Cleanliness or for the Suppression of Nuisances; and the Inspector of Nuisances shall forthwith inquire into the Truth of such Complaints, and report upon the same to the Commissioners at their next Meeting; and such Report, and the Order of the Commissioners thereon, shall be entered in the said Book, which shall be kept at the Office of the Commissioners, and shall be open at all reasonable Times to the Inspection of any Inhabitant of the Burgh or other Person interested; and it shall be the Duty of such Inspector of Nuisances, subject to the Direction of the Commissioners, to make Complaints before the Sheriff or a Magistrate to whom the same may competently be preferred, and take legal Proceedings for the Punishment of any Person who has committed any Offence under this Act, or under any Bye Laws made by virtue thereof.

Same Person may be Surveyor and Inspector.

CCXIX. That the Commissioners may, if they think fit, appoint the same Person to be both Surveyor and Inspector of Nuisances.

Commissioners to provide Offices for Surveyor and Inspector.

CCXX. That the Commissioners shall provide Offices for the Use of the said Surveyor and Inspector in some convenient Place within the Burgh, either in connexion with their own Office or otherwise,

as

as may be most convenient, and shall cause due Notice thereof to be given twice at the least in some Newspaper circulating within the Burgh.

Officers.

Commissioners may appoint, subject to Approval of Secretary of State, an Officer of Health.

CCXXI. That the Commissioners may, if they think fit, appoint, subject to the Approval of One of Her Majesty's Principal Secretaries of State, a Person of competent Skill and Experience, who shall be styled "The Officer of Health," whose Duty it shall be to ascertain the Existence of Diseases within the Burgh, especially Epidemics and contagious Diseases, and to point out any Nuisances or other local Causes likely to cause and continue such Diseases, or otherwise injure the Health of the Inhabitants, and to point out the best Means for checking or preventing the Spread of such Diseases within the Burgh, and also the best Means for the Ventilation of Churches, Chapels, Schools, registered Lodging Houses, and other public Buildings within the same, and from Time to Time, as required by the Commissioners, to report to them upon the Matters aforesaid, and to perform any other Duties of a like Nature which may be required of him; and the Commissioners, with the same Approval which is necessary for the Appointment of the Officer of Health, shall fix the Salary to be paid to such Officer, and shall pay such Salary out of the Assessments to be levied under this Act; and the Commissioners, with the like Approval, may discontinue such Office, or remove any such Officer of Health.

Surveys and Plans.

And with respect to the Improvement of Burghs, and Plans of the same, and of the Works to be executed under the Powers of this Act, be it enacted as follows:

Commissioners to cause a Map of the Burgh to be made, and to be open to Inspection.

CCXXII. That the Commissioners shall procure or cause to be made a Survey and Map of the Burgh on a Scale of not less than Sixty Inches to a Mile, and shall cause to be marked thereon the Course of all the existing Sewers and Drains belonging to them or under their Care or Management, and, as far as can be ascertained, the Lines of Pipes or Conduits for the Collection and Distribution of Water, the Course of the Pipes for the Distribution of Gas, and such other Works, with such other Particulars as may be necessary in order to show the underground Works within the Burgh, and shall cause the said Map to be from Time to Time corrected, and such Additions to be made thereto as may show the Sewers and Drains for the Time being belonging to the Commissioners, and such other Pipes and underground Works as aforesaid; and such Map and Plan, or a Copy thereof, with the Date expressed thereon of the last Time when it was so corrected, shall be kept in the Office of the Commissioners, and shall be open at all seasonable Hours to the Inspection of the Owners or Occupiers of any Lands within the Burgh.

CCXXIII. That

Surveys and Plans.

Officers of Ordnance may furnish Commissioners with Maps, or cause Surveys to be made.

CCXXIII. That the Principal Officers of Her Majesty's Ordnance may, if they think fit, on the Application of the Commissioners, and at their Expense, furnish, for the Use of the Commissioners, One or more Copies of any Map of the Burgh, or any Part thereof, which shall have been made under the Direction of the said Ordnance Officers, or may cause a Survey to be made of the Burgh on a Scale of not less than Sixty Inches to the Mile, by Surveying Officers appointed by them, for such Remuneration as shall previously be agreed upon between the said Principal Officers and the Commissioners.

Level Lines to be marked on Map, and Bench Marks to be made for denoting the same

CCXXIV. That the Commissioners shall cause to be marked on the Map so procured or caused to be made by them a Series of Marks and Figures at convenient Distances on the said Map, denoting the Height of the Ground at every such Mark above or below the Level of a particular Spot within the Burgh, which may be easily found and identified, the Position of which Spot shall be described on the Map, and shall also cause to be drawn, wherever practicable, Lines of equal Altitude at every Four Feet of Elevation, or at such other Intervals as may appear, upon due Inquiry, to be the best adapted for the Guidance of Works of Sewerage and Drainage, for the Collection and Distribution of Water, and for other Purposes within the Burgh for which a Knowledge of the Levels of the Burgh may be necessary, and shall also cause proper Bench Marks for denoting the Levels to be inscribed and marked at convenient Distances and Places, at the Corners of Streets, on Posts, Houses, or other prominent Objects within the Burgh.

Commissioners may cause Maps to be engraved, &c., and pay Expenses out of Assessments.

CCXXV. That the Commissioners may cause every such Plan to be copied, engraved, or printed, and coloured, in such Manner as appears to them most convenient, and may defray the Costs of any Surveys and Maps made under their Direction, and any Costs incurred by them in regard to any such Ordnance Map, out of the Assessments authorized to be levied under this Act.

Commissioners to cause Plans to be prepared of new Works or Alterations of existing Works.

CCXXVI. That the Commissioners shall cause their Surveyor to prepare Plans of any new Works, and Additions to or Alterations of existing Works, that may be required for the effectual Drainage of the Premises and Streets within the Burgh, including Provision for properly trapped Drains or Channels for the Removal of all waste Water and Refuse from such Premises and from the Surface of the Streets, and also to draw on such Plans the Lines that appear to him most advantageous for Main Sewers, and the best Outfalls for clearing the whole Burgh of Surface Moisture, and effecting the Drainage of the Subsoil, and to point out the most appropriate Means and Sites for the

the Collection and Sale of Filth and Refuse for agricultural or other Purposes, and also to set forth any other Matters which may assist the Commissioners in carrying into execution, in an economical and effective Manner, the several Works required to be carried into execution under the Provisions of this Act, or which appear to be necessary for the Health and Convenience of the Inhabitants of the Burgh.

Surveys and Plans.

CCXXVII. That, before giving Notice of their Intention to construct any Work of which by this Act they are required to give Notice, the Commissioners shall cause Plans of the intended Work to be made, under the Direction of their Surveyor, on a Scale not less for a horizontal Plan than One Inch to Eighty-eight Feet, and for a vertical Section not less than One Inch to Two Feet, and, in the Case of a Sewer, showing the Depth of such Sewer below the Surface of the Ground; and such Plans shall be deposited in the Office of the Commissioners, or some other convenient Place appointed for that Purpose, and shall be open at all reasonable Hours for the Inspection of all Persons interested therein during the Time for which such Notice is required to be given.

Before giving Notice of Construction of Works, Plans to be prepared and deposited in the Office of the Commissioners, and be open to Inspection.

And with respect to the Improvement of Burghs, and to making and maintaining the public Sewers, be it enacted as follows:

Sewers.

CCXXVIII. That all Sewers and Drains within the Burgh, whether existing at the Time when this Act is applied or made at any Time thereafter, (except Sewers and Drains the private Property of any Person or Persons, or made and used as of private Right by any Person or Persons for his or their own Profit, or for the Profit of Proprietors or Shareholders, and except Sewers and Drains made and used for the Purpose of draining, preserving, or improving Land, under any Local or Private Act of Parliament, or for the Purpose of irrigating Land,) shall vest in and belong to and be entirely under the Management and Control of the Commissioners.

Sewers, &c. vested in Commissioners.

CCXXIX. That the Commissioners may, if they shall think fit, purchase the Rights, Privileges, Powers, and Authorities vested in any Person for making Sewers, or contract for the Use of any Sewers within the Burgh, or purchase any such Sewers, with or without the Buildings, Works, Materials, and Things belonging or appertaining thereto; and any Person to whom any such Rights, Privileges, Powers, Authorities, Sewers, Buildings, Works, Materials, or Things belong may sell and dispose of the same to or otherwise contract with the Commissioners; and in case of any such Sale, the Purchase Money shall be settled and applied to the same Uses and Trusts

Power to purchase, &c. certain Sewers.

to

Sewers.

to which the Property purchased may have been subject at the Time of such Sale, and the Property purchased shall vest in and belong to the Commissioners purchasing the same, anything to the contrary notwithstanding: Provided always, that, notwithstanding any such Purchase, any Person who previously thereto may have acquired perpetual Right to use any Sewer so purchased shall be entitled to use the same, or any other Sewer substituted in lieu thereof, in as full and ample a Manner as he would or might have done if such Purchase had not been made.

Private Sewers or Watercourses, &c. not to be used without Consent.

CCXXX. That nothing in this Act contained shall be construed to authorize the Commissioners, contrary to or inconsistently with any private Right, to use, injure, or interfere with any Sewers or other Works already made or used for the Purpose of draining, preserving, or improving Land, under any Local or Private Act of Parliament, or for the Purpose of irrigating Lands, or to use, injure, or interfere with any Watercourse, Stream, River, Dock, Basin, Wharf, Quay, or Towing Path in which the Owner or Occupier of any Lands, Mills, Mines, or Machinery, or the Proprietors of any Canal or Navigation, shall have Right and Interest, without Consent in Writing first had and obtained; and nothing herein contained shall prejudice or affect the Rights, Privileges, Powers, or Authorities given or reserved to any Person under any Local or Private Act of Parliament for the Drainage, Preservation, Improvement, or Irrigation of Land, or for or in respect of any Mills, Mines, Machinery, Canal, or Navigation as last aforesaid.

Drainage Districts to be formed, subject to the Approval of the Sheriff.

CCXXXI. That the Commissioners shall from Time to Time, subject to the Approval of the Sheriff, divide the whole Burgh, if and as Occasion shall require, into separate Drainage Districts, having regard in such Division to the Nature of the Ground, to the Main Lines of Sewers by which such separate Drainage Districts are or shall be drained, and to the equal Benefit, as far as may be, of all the Lands and Buildings to be comprised in any such Drainage District, and shall cause their Surveyor to define and describe the several Drainage Districts on a Plan of the Burgh to be made as aforesaid.

Power to Commissioners to construct Sewers where none exist, making Compensation to Owners of Property.

CCXXXII. That the Commissioners shall from Time to Time, subject to the Restrictions herein contained as to the Notice to be given, and the Plans and Estimates to be prepared, cause to be made under the Streets such Main and other Sewers as shall be necessary for the effectual draining of the Burgh, and also all such Reservoirs, Sluices, Engines, and other Works as shall be necessary for cleansing such Sewers, and, if needful, they may carry such Sewers through and across all underground Cellars and Vaults under any of the Streets, doing as little Damage as may be, and making full Compensation

sation for any Damage done; and if for completing any of the aforesaid Works it be found necessary to carry them into or through any inclosed or other Lands, the Commissioners may carry the same into or through such Lands accordingly, making full Compensation to the Owners and Occupiers thereof, and they may also cause such Sewers to communicate with and empty themselves into the Sea or any public River, or they may cause the Refuse from such Sewers to be conveyed by a proper Channel to the most convenient Site for its Collection and Sale for agricultural or other Purposes, as may be deemed most expedient, but so that the same shall in no Case become a Nuisance: Provided always, that in making any such Main and other Sewers, or in repairing, reconstructing, or enlarging the same or existing Drains or Sewers, the Contents at present carried into any existing Outlet shall not be diverted therefrom to the Prejudice of any actual existing legal Right.

Sewers.

CCXXXIII. That the Commissioners may from Time to Time, as they see fit, repair, enlarge, alter, arch over, and otherwise improve all or any of the Sewers vested in them; and if any of such Sewers at any Time appear to them to have become useless, the Commissioners, if they think fit to do so, may demolish and discontinue such Sewer, provided that it be so done as not to create a Nuisance.

Commissioners may alter Sewers from Time to Time.

CCXXXIV. That if any Person, by means of any Enlargement, Alteration, or Discontinuance of any Sewer, or other Proceeding of the Commissioners, be deprived of the Use of any Sewer or Drain which such Person was theretofore lawfully entitled to use, the Commissioners shall provide some other Sewer or Drain equally effectual for such Purpose; and if the Commissioners refuse or do not within Seven Days next after Notice in Writing served upon them begin and thereupon diligently proceed to restore to its former effective State such Drain or Sewer the Use whereof has been affected by the Acts of the Commissioners, or to provide such other Sewer or Drain as aforesaid, they shall forfeit to the Person aggrieved any Sum not exceeding Forty Shillings for every Day after the Expiration of such Seven Days during which he is deprived of the Use of the Drain or Sewer to which he was so entitled, and is not provided with such other Drain or Sewer as aforesaid.

Commissioners not to destroy existing Sewers &c. without providing others.

Penalty for Neglect.

CCXXXV. That before entering into any Contract for executing any such Work as aforesaid the Commissioners shall procure from their Surveyor an Estimate of the probable Expense of constructing the same in a substantial Manner, and of the yearly Expense of maintaining the same in repair, and each Surveyor shall accompany such Estimate with a Report as to the most advantageous Mode of constructing

Commissioners to cause Estimates to be prepared before Execution of Works.

Sewers.

ing such Work, whether under a Contract for constructing the same merely, or a Contract for constructing the same and maintaining it in repair during a given Term of Years.

As to the Expense of making new Sewers.

Where Premises were sufficiently drained before making new Sewer, Occupier to have a Reduction made in his Rates.

CCXXXVI. That the Expense of making any new Sewer shall be defrayed as herein provided by special Sewer Rates to be levied on the Occupiers of all Premises within the Drainage District in which such Sewer is situated: Provided always, that where in the Judgment of the Commissioners any Premises were sufficiently drained before the making of such new Sewer, the Occupiers thereof shall be entitled to have such Deduction made from the special Sewer Rates to which they would otherwise be liable in respect of the making of such new Sewer, and for such Time as the Commissioners shall deem to be just, having regard to the Cost of making such new Sewer, and to the Value and Efficiency of such old Sewer; and whenever any old Sewer is enlarged, or open Sewer closed, the Expense of such Enlargement, or of closing such open Sewer, shall be defrayed in like Manner as if it had been incurred in making a new Sewer.

As to the Expense of maintaining Sewers, &c.

CCXXXVII. That the Expense of maintaining and cleansing all Sewers vested in the Commissioners, and all other Expenses connected with such Sewers not herein otherwise provided for, or which may not be fully defrayed by the special Sewer Rates, shall be defrayed by general Sewer Rates to be levied as herein provided on the Occupiers of all Premises within the Drainage District in which such Sewers are severally situated.

Penalty for making unauthorized Drains.

CCXXXVIII. That every Person, not being employed for that Purpose by the Commissioners, who shall make any Drain into any of the Sewers or Drains so vested in the Commissioners, shall forfeit to the Commissioners a Sum not exceeding Five Pounds; and the Commissioners may cause such Branch Drain to be remade as they think fit, and all the Expense incurred thereby shall be paid by the Person making such Branch Drain, and shall be recoverable by the Commissioners as Damages.

Vaults and Cellars under Streets not to be made without the Consent of the Commissioners.

CCXXXIX. That no Building shall be erected over any Sewer belonging to the Commissioners, and no Vault, Arch, or Cellar shall be made under the Carriageway of any Street, without the Consent of the Commissioners first obtained in Writing; and all such Vaults, Arches, and Cellars shall be substantially made, and so as not to interfere or communicate with any Sewers belonging to the Commissioners; and if after the Adoption of this Act by any Burgh, any Building be erected, or any Vault, Arch, or Cellar be made therein, contrary to the Provisions herein contained, the Commissioners may demolish or fill up the same, and the Expenses incurred thereby shall be paid by the Person erecting such Building, or making such Vault, Arch, or Cellar, and shall be recoverable as Damages.

CCXL. That

Sewers.

Streets may be stopped up during Repairs.

CCXL. That the Commissioners may stop any Street, and prevent the same from being used as a common Passage or Thoroughfare, for a reasonable Time during the Construction, Alteration, Repair, or Demolition of any Sewer or Drain in or under such Street.

All Sewers, &c. to be covered with Traps.

CCXLI. That all Sewers and Drains within the Burgh, whether public or private, shall be provided by the Commissioners or other Persons to whom they severally belong with proper Traps or other Coverings or Means of Ventilation so as to prevent Stench.

Sewers may be used by Owners and Occupiers of Land beyond Limits of Burgh.

CCXLII. That any Person being the Owner or Occupier of any Lands beyond the Burgh, and in respect of which he would not be liable to the Payment of the Rates authorized to be levied under this Act, may, with the Consent of the Commissioners first obtained in Writing, upon Payment to them of a reasonable Sum of Money to be agreed upon between them, at his own Expense, and under the Superintendence of the Surveyor of the Commissioners, cause to branch into and to communicate with any of the Sewers belonging to the Commissioners any Sewer or Drain in respect of the said Property which may be lawfully made therefrom of such Size and in such Manner and Form of Communication as the Commissioners approve of: Provided always, that nothing in this Act contained shall affect any Right theretofore acquired by such Owner or Occupier to use any of the Sewers or Drains belonging to the Commissioners.

Persons aggrieved by making, &c. Sewers may appeal to the Sheriff.

CCXLIII. Provided always, That as regards the making, altering, and maintaining Sewers and Drains, it shall be lawful for any Person whose Property may be taken or affected, or thinking himself thereby aggrieved, to appeal thereon to the Sheriff in manner hereinafter mentioned.

House Drains.

And with respect to the Improvement of Burghs, and to the Drainage of Houses, be it enacted as follows:

Commissioners empowered to construct Drains from Houses, charging Owners, &c. with the Expense.

CCXLIV. That if any House or Building within the Burgh be at any Time not drained by a sufficient Drain or Pipe communicating with some Sewer, or with the Sea or some public River, to the Satisfaction of the Commissioners, and if there shall be such Means of Drainage within One hundred Feet of any Part of such House or Building, the Commissioners shall construct or lay from such House or Building a covered Drain or Pipe of such Materials, of such Size, at such Level, and with such Fall, as they think necessary for the Drainage of such House or Building, its Areas, Water-closets, Privies, and Offices; provided that the Cost of executing such Work shall not, without the written Consent of the Owner, exceed One Year's Rack Rent of such House or Building; and the Expenses incurred by the Commissioners in respect thereof, if not forthwith paid by the Owner or Occupier, shall be defrayed by the Drainage Rates herein authorized to be levied.

CCXLV. That

House Drains.

No House to be hereafter built without Drains being constructed.

CCXLV. That no House or Building within the Burgh shall be built upon a lower Level than will allow of the Drainage of the Wash and Refuse of such House or Building into some Sewer belonging to the Commissioners either then existing or marked out upon the Map herein-before directed to be made by them, or into the Sea, or some public River into which the Commissioners are empowered to empty their Sewers; and if there be such Means of Drainage existing within One hundred Feet of such intended House or Building, the Commissioners shall cause a Drain leading thereunto from the intended Site of such House to be made of such Materials, of such Size, at such Level, and with such Fall, as they think fit, or if there be no such Means of Drainage within One hundred Feet of any Part of the said intended Site of such House or Building, then such Drain shall be made so as to lead into such covered Cesspool or other Place as the Commissioners direct, not being under any Dwelling House, and constructed to the Satisfaction of the Commissioners, so as effectually to prevent the Escape of the Contents thereof, until such Sewer as aforesaid is made by the Commissioners, when they shall make a Drain to communicate with such new-made Sewer, and shall demolish and fill up any such Cesspool.

Where Houses are rebuilt, the Level shall be sufficient to allow a Drain to be constructed.

CCXLVI. That whenever any House is rebuilt within the Burgh, the Level of the Cellar or other lowest Floor of such House shall be raised sufficiently to allow of the Construction of such a Drain as is herein-before provided in the Case of Houses to be built after the Adoption of this Act; and whenever any House is taken down to or below the Roof of the Floor commonly called the Ground or Street Floor, for the Purpose of being built up again, such building shall be deemed a rebuilding within the Meaning of this Act.

Notice of Buildings and Rebuildings to be given to the Commissioners.

CCXLVII. That before beginning to build any new House, or to rebuild any existing House within the Burgh, the Person intending to build or rebuild such House shall give to the Commissioners Notice thereof in Writing, and shall accompany such Notice with a Plan showing the Level at which the Foundation of such House is proposed to be laid by reference to some Level ascertained under the Direction of the Commissioners.

Commissioners may signify Disapproval within Fourteen Days.

CCXLVIII. That within Fourteen Days after receiving such Notice the Commissioners may signify their Disapproval of the Level at which it is proposed to lay the Foundation of any such House, and in case of such Disapproval may within the said Fourteen Days fix the Level at which the same is to be laid, but subject to Appeal to the Sheriff if such Appeal shall be entered within Two Weeks from the Date of the Intimation of such Disapproval; and the Decision

Decision of the Sheriff, if such Appeal be taken, or the Deliverance of the Commissioners, if not appealed to the Sheriff, shall be final.

House Drains.

CCXLIX. That in default of sending such Notice and Plan, or if such Building be begun or made at any Level different from that fixed by the Commissioners, within the said Fourteen Days, or determined on Appeal as after mentioned, or in any other respect contrary to the Provisions of this Act, the Commissioners may, if necessary, cause such Building to be altered or demolished, as the Case requires, and the Expense incurred by the Commissioners in respect thereof shall be repaid to them by the Person failing to comply with the Provision aforesaid, and shall be recoverable as Damages.

Commissioners may cause Houses built without Notice, or contrary to Provisions of this Act, to be altered.

CCL. Provided always, That if the Commissioners fail to signify in Writing their Approval or Disapproval of the Level shown on such Plan as aforesaid, within Fourteen Days after receiving such Notice and Plan as aforesaid, the Person giving such Notice may, notwithstanding anything herein contained, proceed to build or rebuild the House therein referred to according to the Level shown on such Plan, provided that such building or rebuilding be otherwise in accordance with the Provisions of this Act.

If Commissioners fail to signify their Approval, &c. within Fourteen Days, Parties may proceed without.

CCLI. That the Commissioners may require the Owner of every House within the Burgh to which no sufficient Privy is attached to provide, where it appears to them that there is Room enough for the Purpose, such Privy, in such Situation, not disturbing any Building then already erected, as the Commissioners deem necessary for the Use of the Inmates and Occupiers thereof; and every such Privy shall be constructed to the Satisfaction of the Commissioners, so as effectually to prevent the Escape of the Contents thereof: Provided always, that where a Privy is used in common by the Inmates and Occupiers of Two or more such Houses, the Commissioners may, if they think fit, dispense with the providing of a Privy for each such House.

Power to Commissioners to require Owners of Houses to provide Privies for the same.

CCLII. That the Owner of any such House shall provide the same with a Privy as aforesaid, to the Satisfaction of the Commissioners, within One Month next after Notice in Writing for that Purpose given by the Commissioners to him or to the Occupier of such House, and in default thereof the Commissioners shall cause such Privy to be provided, so nevertheless that the Cost of executing such Work shall not, without the written Consent of the Owner, exceed One Year's Rack Rent of such House; and the Expense incurred

Penalty for neglecting to provide Privies, &c.

House Drains.

incurred thereby shall be defrayed by the Drainage Rates by this Act authorized to be levied.

Commissioners to provide for Removal of Ashes.

CCLIII. That it shall be lawful for the Commissioners to make such Provision as they shall think fit for the due Removal of the Ashes and other Refuse of each House within the Burgh by the Occupier or Occupiers of such House.

Certain Water-closets to be constructed in Factories, &c.

CCLIV. That if at any Time it shall appear to the Commissioners, upon the Report of their Surveyor, that any House is used or intended to be used as a School, or Factory or Building in which Persons of both Sexes, and above Twenty in Number, are employed or intended to be employed at One Time in any Manufacture, Trade, or Business, the Commissioners may, if they shall think fit, by Notice in Writing to the Owner or Occupier of such House, require them or either of them, within a Time to be specified in such Notice, to construct a sufficient Number of Water-closets or Privies for the separate Use of each Sex; and whosoever neglects or refuses to comply with any such Notice shall be liable for each Default to a Penalty not exceeding Twenty Pounds, and a further Penalty not exceeding Forty Shillings for every Day during which the Default is continued.

Drains, Privies, and Cesspools to be kept in good Order by Owners.

If Owners neglect, Commissioners may cause the same to be done, and charge the Owners with the Expense.

CCLV. That all Branch Drains, as well within as without the Premises to which they belong, and all Privies, Ashpits, and Cesspools within the Burgh, shall be under the Survey and Control of the Commissioners, and shall be altered, repaired, and kept in proper Order, at the Costs and Charges of the Owners of the Premises to which the same belong or for the Use of which they are constructed or continued; and if the Owner and Occupier of any Premises to which any such Drain, Privy, Ashpit, or Cesspool belongs neglect, during Seven Days after Notice in Writing for that Purpose, to alter, repair, and to put the same into good Order in the Manner required by the Commissioners, the Commissioners may cause such Drain, Privy, Ashpit, or Cesspool to be altered, repaired, covered, and put in good Order; and the Expense incurred by the Commissioners in respect thereof shall be repaid to them by the Owners by whom the same ought to have been done, and shall be recoverable as Damages.

As to the Inspection of Drains, Privies, and Cesspools.

CCLVI. That the Surveyor of the Commissioners may inspect any Drain, Privy, Ashpit, or Cesspool within the Burgh, and for that Purpose, at all reasonable Times in the Daytime, after Twenty-four Hours Notice in Writing to the Occupier of the Premises to which such Drain, Privy, Ashpit, or Cesspool is attached, may enter upon any Premises, with such Assistants and Workmen as are necessary, and cause the Ground to be opened where he thinks fit, doing as little

little Damage as may be; and if such Drain, Privy, Ashpit, or Cesspool be found to be in proper Order and Condition, he shall cause the Ground to be closed and made good as soon as may be; and the Expenses of opening, closing, and making good such Drain, Privy, Ashpit, or Cesspool shall in that Case be defrayed by the Commissioners.

House Drains.

CCLVII. That if any such Drain, Privy, or Cesspool be on Inspection found to have been constructed, after the Adoption of this Act, contrary to the Directions and Regulations of the Commissioners, or contrary to the Provisions of this Act, or if any Person, without the Consent of the Commissioners, construct, rebuild, or unstop any Drain, Privy, or Cesspool which has been ordered by them to be demolished or stopped up or not to be made, every Person so doing shall be liable to a Penalty not exceeding Five Pounds; and the Commissioners may cause such Amendment or Alteration to be made in any such Drain, Privy, or Cesspool as they think fit; and the Expense attending any such Amendment or Alteration shall be paid by the Person by whom such Sewer was improperly constructed, rebuilt, or altered, and shall be recoverable from him as Damages.

Penalty on Persons making or altering Drains, &c. contrary to the Orders of the Commissioners.

CCLVIII. Provided always, That as regards House Drains, and the building or rebuilding any House, it shall be lawful for any Person whose Property may be thereby taken or affected, and thinking himself thereby aggrieved, to appeal thereon to the Sheriff in manner herein-after mentioned.

Parties aggrieved may appeal to the Sheriff.

And with respect to the Improvement of Burghs, and to laying out new Streets in the same, be it enacted as follows:

New Streets.

CCLIX. That every Person who intends to make or lay out any new Street shall give Notice thereof to the Commissioners, in order that the Level of such Street may be fixed by the Commissioners: Provided always, that where any Street has, previous to the First Day of *May* One thousand eight hundred and fifty, been in whole or in part the subject of any Contract now existing, the same shall not be held or taken to be a new Street within the Meaning of this Act.

Notice of Intention to lay out new Streets to be given to Commissioners.

CCLX. That the Level of every such new Street shall be fixed by the Commissioners within Six Weeks after the Delivery of such Notice, but subject to Appeal to the Sheriff, if such Appeal shall be entered within Three Weeks from the Date of Intimation of such Deliverance by the Commissioners; and the Decision of the Sheriff, if such Appeal be taken, or such Deliverance by the Commissioners if not appealed to the Sheriff, shall be final; and the Level so fixed shall be kept thereafter by every Person raising any House or other Building in such Street.

Levels to be fixed by the Commissioners.

CCLXI. That

New Streets.

If the Commissioners fail to fix the Level, the Party may proceed without.

CCLXI. That if the Commissioners do not fix such Level within Six Weeks from the Time of the Delivery of such Notice as aforesaid, the Person giving such Notice may proceed to lay out the Street at any Level which will allow of Compliance with the other Provisions of this Act, as if such Level had been fixed by the Commissioners; and in such Case every Change of the Level which the Commissioners afterwards deem requisite, and the Works consequent thereon, shall be made by the Commissioners, and the Expense thereof, and any Damage which any Person sustains in consequence of such Alteration, shall be defrayed by them.

Persons laying out Streets without Notice to be liable to the Expenses of subsequent Alterations of Levels.

CCLXII. That every Person who makes or lays out any such new Street as aforesaid, without causing such Notice to be given to the Commissioners as aforesaid, shall be liable to defray all the Expenses consequent upon any Change of the Level of the said Street deemed requisite by the Commissioners; and every Person who in building any House or other Building in such Street does not keep the Level fixed by the Commissioners, shall be liable to defray all the Expenses consequent upon any Change of the Level of that Part of the Street on which such House or Building abuts which the Commissioners deem requisite.

Situation of Gas and Water Pipes to be altered at the Expense of the Commissioners.

CCLXIII. That for the Purposes of this Act, if the Commissioners deem it necessary to raise, sink, or otherwise alter the Situation of any Water Pipe or Gas Pipe, or other Waterworks or Gasworks laid in any of the Streets, they may from Time to Time, by Notice in Writing, require the Person to whom any such Pipes or Works belong to cause forthwith, as soon as conveniently may be, any such Pipes or Works to be raised, sunk, or otherwise altered in Position in such Manner as the Commissioners direct; provided that such Alteration be not such as permanently to injure such Works, or to prevent the Water or Gas from flowing as freely and conveniently as before; and the Expenses attending such raising, sinking, or altering, and full Compensation for every Damage done thereby, shall be paid by the Commissioners, as well to the Persons to whom such Pipes or Works belong as to all other Persons.

If Gas or Water Company neglect to make the Alteration, the Commissioners may cause the same to be done.

CCLXIV. That if the Person to whom any such Pipes or Works belong do not proceed forthwith, or as soon as conveniently may be after the Receipt of such Notice, to cause the same to be raised, sunk, or altered, in such Manner as the Commissioners require, the Commissioners may themselves cause such Pipes or Works to be raised, sunk, or altered as they think fit; provided that such Works be not permanently injured thereby, or the Water or Gas prevented from flowing as freely and conveniently as before.

CCLXV. That

New Streets.

As to the Width of new Streets.

CCLXV. That it shall not be lawful to make or lay out any new Street unless and until the proposed Width thereof shall, with reference to the Height of the Houses and other Circumstances, be approved of by the Sheriff.

Parties aggrieved may appeal to the Sheriff.

CCLXVI. Provided always, That as regards the making and laying out any new Streets, and fixing the Levels thereof, it shall be lawful for any Person whose Property may be taken or affected, and thinking himself thereby aggrieved, to appeal thereon to the Sheriff in manner herein-after mentioned.

Naming Streets.

And with respect to the Improvement of Burghs, and to naming the Streets and numbering the Houses, be it enacted as follows:

Houses to be numbered and Streets named.

CCLXVII. That the Commissioners shall from Time to Time cause the Houses and Buildings in all or any of the Streets to be marked with Numbers as they think fit, and shall cause to be put up or painted on a conspicuous Part of some House, Building, or Place, at or near each End, Corner, or Entrance of every such Street, the Name by which such Street is to be known; and every Person who destroys, pulls down, or defaces any such Number or Name, or puts up any Number or Name different from the Number or Name put up by the Commissioners, shall be liable to a Penalty not exceeding Forty Shillings for every such Offence.

Numbers of Houses to be renewed by Owner.

CCLXVIII. That the Owners of Houses and other Buildings in the Streets shall mark their Houses with such Numbers as the Commissioners approve of, and shall renew such Numbers as often as they become obliterated or defaced; and every such Owner who fails, within One Week after Notice for that Purpose from the Commissioners, to mark his House with a Number approved of by the Commissioners, or to renew such Number when obliterated, shall be liable to a Penalty not exceeding Forty Shillings; and the Commissioners shall cause such Numbers to be marked or to be renewed, as the Case may require, and the Expense thereof shall be repaid to them by such Owner, and shall be recoverable as Damages.

Improving Streets.

And with respect to the Improvement of Burghs, and to improving the Line of the Streets, and removing Obstructions, be it enacted as follows:

Houses may be set forward for improving Line of Street.

CCLXIX. That the Commissioners may allow, upon such Terms as they think fit, any Building within the Burgh to be set forward, for improving the Line of the Street in which such Building, or any Building adjacent thereto, is situated.

Improving Streets.

Power to purchase Houses, &c. for additional Improvements.

CCLXX. That the Commissioners may agree with the Owners of any Lands within the Burgh for the absolute Purchase thereof, for the Purpose of widening, enlarging, or otherwise improving any of the Streets, and they shall resell any Parts of the Land so purchased which shall not be wanted for the Enlargement of the Street.

Houses projecting beyond Line of Street, when taken down, to be set back.

CCLXXI. That when any House or Building, any Part of which projects beyond the regular Line of the Street, or beyond the Front of the House or Building on either Side thereof, has been taken down in order to be rebuilt or altered, the Commissioners may require the same to be set backwards to or toward the Line of the Street, or the Line of the adjoining Houses or Buildings, in such Manner as the Commissioners direct, for the Improvement of such Street: Provided always, that the Commissioners shall make full Compensation to the Owner of any such House or Building for any Damage he thereby sustains.

Future Projections of Houses, &c. to be removed, on Notice.

CCLXXII. That the Commissioners may give Notice to the Occupier of any House or Building to remove or alter any Porch, Shed, projecting Window, Step, Cellar, Cellar Door or Window, Sign, Sign-post, Sign-iron, Showboard, Window Shutter, Wall, Gate, or Fence, or any other Obstruction or Projection, erected or placed, after the Adoption of this Act, against or in front of any House or Building within the Burgh, and which is an Obstruction to the safe and convenient Passage along any Street; and such Occupier shall, within Fourteen Days after the Service of such Notice upon him, remove such Obstruction, or alter the same in such Manner as shall have been directed by the Commissioners, and in default thereof shall be liable to a Penalty not exceeding Forty Shillings; and the Commissioners in such Case may remove such Obstruction or Projection, and the Expense of such Removal shall be paid by the Occupier so making default, and shall be recoverable as Damages: Provided always, that, except in the Case in which such Obstructions or Projections were made or put up by the Occupier, such Occupier shall be entitled to deduct the Expense of removing the same from the Rent payable by him to the Owner of the House or Building.

Commissioners may cause existing Projections to be removed and Compensation to be made.

CCLXXIII. That if any such Obstructions or Projections were erected or placed against or in front of any House or Building in any such Street before the Adoption of this Act, the Commissioners may cause the same to be removed or altered as they think fit, provided that they give Notice of such intended Removal or Alteration to the Occupier of the House or Building against or in front of which such Obstruction or Projection shall be, Thirty Days before such Alteration or Removal is begun; and, if such Obstructions or Projections

Projections shall have been lawfully made, they shall make reasonable Compensation to every Person who suffers Damage by such Removal or Alteration.

Improving Streets.

CCLXXIV. That all Doors, Gates, and Bars put up after the Adoption of this Act within the Burgh, and which open upon any Street, shall be hung or placed so as not to open outwards, except when, in the Case of public Buildings, the Commissioners allow such Doors, Gates, or Bars to be otherwise hung or placed; and if, except as aforesaid, any such Door, Gate, or Bar be hung or placed so as to open outwards on any Street, the Occupier of the Premises to which such Door, Gate, or Bar is attached shall, within Eight Days after Notice from the Commissioners to that Effect, cause the same to be altered so as not to open outwards; and in case he neglect so to do the Commissioners may make such Alteration, and the Expenses of such Alteration shall be paid to the Commissioners by such Occupier, and shall be recoverable from him as Damages, and he shall, in addition, be liable to a Penalty not exceeding Forty Shillings.

Doors in future to be made to open inwards.

CCLXXV. That if any such Door, Gate, or Bar was before the Adoption of this Act hung so as to open outwards upon any Street, the Commissioners may alter the same, so that no Part thereof when open shall project over any public Way.

Doors opening outwards may be altered.

CCLXXVI. That when any Opening is made in any Pavement or Footpath within the Burgh as an Entrance into any Vault or Cellar, a Door or Covering shall be made by the Occupier of such Vault or Cellar, of Iron or such other Materials and in such Manner as the Commissioners direct, and such Door or Covering shall from Time to Time be kept in good Repair by the Occupier of such Vault or Cellar; and if such Occupier do not within a reasonable Time make such Door or Covering, or if he make any such Door or Covering contrary to the Directions of the Commissioners, or if he do not keep the same when properly made in good Repair, he shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

Coverings for Cellar Doors to be made by Occupier.

Penalty for Neglect.

CCLXXVII. That the Owner of every House or Building in, adjoining, or near to any Street shall, within Seven Days next after Service of an Order of the Commissioners for that Purpose, put up, and keep in good Condition, a Shoot or Trough of the whole Length of such House or Building, and shall connect the same either with a similar Shoot on the adjoining House or with a Pipe or Trunk to be fixed to the Front or Side of such Building from the Roof to the Ground, to carry the Water from the Roof thereof, in such Manner that

Waterspouts to be affixed to Houses or Buildings.

Improving Streets.

that the Water from such House, or any Portico or Projection therefrom, shall not fall upon the Persons passing along the Street, or flow over the Footpath; and in default of Compliance with any such Order within the Period aforesaid such Owner shall be liable to a Penalty not exceeding Forty Shillings for every Day that he shall so make default.

Parties aggrieved may appeal to the Sheriff.

CCLXXVIII. Provided always, That as regards the improving the Line of any Street and removing Obstructions it shall be lawful for any Person whose Property may be taken or affected, and thinking himself thereby aggrieved, to appeal thereon to the Sheriff in manner herein-after mentioned.

Ruinous or dangerous Buildings.

And with respect to the Improvement of Burghs, and to ruinous or dangerous Buildings, be it enacted as follows:

Ruinous or dangerous Buildings to be taken down or secured by Owners, &c.

CCLXXIX. That if any Building or Wall, or any Thing affixed thereon, within the Burgh, be deemed by the Surveyor of the Commissioners to be in a ruinous State, and dangerous to Passengers or to the Occupiers of the neighbouring Buildings, such Surveyor shall immediately cause a proper Hoard or Fence to be put up for the Protection of Passengers, and shall cause Notice in Writing to be given to the Owner of such Building or Wall, if he be known and resident within the Burgh, and shall also cause such Notice to be put on the Door or other conspicuous Part of the said Premises, or otherwise to be given to the Occupier thereof, if any, requiring such Owner or Occupier forthwith to take down, secure, or repair such Building, Wall, or other Thing, as the Case shall require; and if such Owner or Occupier do not begin to repair, take down, or secure such Building, Wall, or other Thing within the Space of Three Days after any such Notice has been so given or put up as aforesaid, and complete such Repairs or taking down or securing as speedily as the Nature of the Case will admit, such Surveyor may make Complaint thereof to the Sheriff, and it shall be lawful for the Sheriff to order the Owner, or in his Default the Occupier (if any), of such Building, Wall, or other Thing, to take down, rebuild, repair, or otherwise secure, to the Satisfaction of such Surveyor, the same, or such Part thereof as appears to them to be in a dangerous State, within a Time to be fixed by the Sheriff; and in case the same be not taken down, repaired, rebuilt, or otherwise secured within the Time so limited, or if no Owner or Occupier can be found on whom to serve such Order, the Commissioners shall with all convenient Speed cause all or so much of such Building, Wall, or other Thing as shall be in a ruinous Condition and dangerous as aforesaid to be taken down, repaired, rebuilt, or otherwise secured in such Manner as shall be requisite; and

If Owner, &c. neglect to repair, Commissioners may cause the same to be done, charging Owner, &c. with the Expenses.

and all the Expenses of putting up every such Fence, and of taking down, repairing, rebuilding, or securing such Building, Wall, or other Thing, shall be paid by the Owner thereof.

Ruinous or dangerous Buildings.

CCLXXX. That if such Owner can be found within the Burgh, and if, on Demand of the Expenses aforesaid, he neglect or refuse to pay the same, the Sheriff shall, on a Certificate of such Demand, and Neglect or Refusal, signed by Two of the Commissioners, grant Decree against such Owner for Payment thereof, on which Decree all legal Diligence may proceed, or the Commissioners may proceed against such Owner in the Sheriff Small Debt Court, or otherwise as accords of Law.

The Expenses to be levied on the Owner.

CCLXXXI. That if such Owner cannot be found within the Burgh, or if such Expenses are not otherwise fully recovered, the Commissioners, after giving Twenty-eight Days Notice of their Intention to do so, by posting a printed or written Notice in a conspicuous Place on such Building, or on the Land whereon such Building stood, may take such Building or Land, provided that such Expenses be not paid or tendered to them within the said Twenty-eight Days, making Compensation to the Owner of such Building or Land in the Manner provided by "The Lands Clauses Consolidation (*Scotland*) Act, 1845," in the Case of Lands taken otherwise than with the Consent of the Owners and Occupiers thereof, and the Commissioners shall be entitled to deduct out of such Compensation the Amount of the Expenses aforesaid, and may thereupon sell or otherwise dispose of the said Building or Land for the Purposes of this Act.

If Owner cannot be found, Commissioners may take the House or Ground, making Compensation.

CCLXXXII. That if any such House or Building as aforesaid, or any Part of the same, be pulled down by virtue of the Powers aforesaid, the Commissioners may sell the Materials thereof, or so much of the same as shall be pulled down, and apply the Proceeds of such Sale in Payment of the Expenses incurred in respect of such House or Building; and the Commissioners shall restore any Overplus arising from such Sale to the Owner of such House or Building, on Demand; nevertheless, the Commissioners, although they sell such Materials for the Purposes aforesaid, shall have the same Remedies for compelling the Payment of so much of the said Expenses as may remain due after the Application of the Proceeds of such Sale as are hereinbefore given to them for compelling the Payment of the whole of the said Expenses.

Commissioners may sell the Materials, restoring to the Owner Overplus arising from the Sale.

And with respect to the Improvement of Burghs, and to Objections to the Works to be constructed by or subject to the Approval of the Commis-

Objections to Works.

Objections to Works.

Commissioners, and Appeal to the Sheriff from the Decision of the Commissioners, be it enacted as follows:

Commissioners to give Notice of new Levels or Sewers.

CCLXXXIII. That Twenty-eight Days at the least before fixing the Level of any Street which has not been theretofore levelled or paved, and before making any Sewer where none was before, or altering the Course or Level of or abandoning or stopping any Sewer, the Commissioners shall give Notice of their Intention by posting a printed or written Notice in a conspicuous Place at each End of every such Street through or in which such Work is to be undertaken, which Notice shall set forth the Name or Situation of the Street intended to be levelled or paved, and the Names of the Places through or near which it is intended that the new Sewer shall pass, or the existing Sewer be altered or stopped up, and also the Places of the Beginning and the End thereof, and shall refer to Plans of such intended Work, and shall specify a Place where such Plans may be seen, and a Time when and Place where all Persons interested in such intended Work may be heard thereupon.

Meeting of Commissioners to hear Objections.

CCLXXXIV. That the Commissioners shall meet at the Time and Place mentioned in the said Notice, to consider, in the Presence of the Surveyor of the Commissioners, any Objections made against such intended Work, and all Persons interested therein, or likely to be aggrieved thereby, shall be entitled to be heard before the Commissioners at such Meeting; and thereupon the Commissioners may, in their Discretion, abandon or make such Alterations in the said intended Work as they judge fit; and no such Work to which any Objection is made at such Meeting shall be executed unless the Surveyor of the Commissioners, after the Person making such Objection or his Agent has been heard, certify that the Work in his Judgment ought to be executed, nor shall such Work be begun until the End of Seven Days after an Order for the Execution thereof has been duly made by the Commissioners, and entered in their Books.

Persons aggrieved by Orders of Commissioners may appeal to the Sheriff.

CCLXXXV. That any Person liable to pay or to contribute towards the Expense of any of the Works aforesaid, or otherwise aggrieved by any Order of the Commissioners relating thereto, may, at any Time within Seven Days next after the making of any such Order, give Notice in Writing to the Commissioners that he intends to appeal against such Order to the Sheriff, and along with such Notice he shall give a Statement in Writing of the Grounds of the Appeal; and if within Four Days next after giving such Notice the Party grant Bond to the Sheriff, with Two sufficient Cautioners to the Satisfaction of the Sheriff, to abide the Order of the Sheriff, and pay such Costs as shall be awarded by the Sheriff thereupon, the Work so appealed against shall not be begun until after the Judgment of the Sheriff upon

upon such Appeal; and the Sheriff, upon due Proof of such Notice, and upon such Caution being found, shall hear and determine the Matter of the Appeal, and shall make such Order thereon, either confirming, quashing, or varying the same, and shall award such Costs to either of the Parties, as the Sheriff in his Discretion thinks fit: Provided always, that the Appellant shall not be heard in support of such Appeal unless such Notice and Statement have been given and such Caution found as aforesaid, nor on the hearing of such Appeal shall he go into Evidence of any other Grounds of Appeal than those set forth in such Statement as aforesaid.

Objections to Works.

CCLXXXVI. And in respect to Appeal as to all other Matters and Things which the Commissioners are by this Act empowered to do or perform or to authorize to be done or performed, and the Cost attending which is by this Act directed to be provided for by way of Private or District Assessment, the Commissioners shall, where not otherwise hereby directed, give Notice of their Intention to do or perform or to authorize to be done or performed such Matter or Thing, either by public Advertisement in some Newspaper circulating in the Burgh or in the County in which the Burgh is situated, or by posting Handbills in conspicuous Places in the Burgh, or by Notice in Writing to be transmitted through the Post Office or delivered personally or at their Dwelling Houses to the Individuals having Interest, as the Commissioners shall think proper; and it shall be lawful for any Person whose Property shall be taken or affected, and who shall consider himself injured or aggrieved in respect of such other Matters and Things by this Act so directed to be done or performed and provided for, to appeal to the Sheriff from any Order made or Notice given by the Commissioners in respect of such Matters or Things, in the Manner and to the Effect herein last before provided and directed; and if such Matter or Thing shall not be made the Subject of Appeal to the Sheriff, or being appealed shall be allowed by him, the Commissioners may proceed with the same, and levy the Assessments in reference thereto authorized by this Act: Provided always, that the Decision of the Sheriff shall in all Cases be final and conclusive, and not subject to Review by Suspension, Reduction, or Advocation, or in any manner of way.

Notice to be given by Commissioners, and Appeal to the Sheriff.

Decision of the Sheriff to be final.

CCLXXXVII. And with respect to the Improvement of Burghs, and to the Construction of Houses for Prevention of Fire, be it enacted, That the Party Walls of all Buildings erected after the Adoption of this Act by any Burgh shall be carried through and above the Roof, to form a Parapet of not less than Twelve Inches in Height, measured at Right Angles with the Slope of the Roof, above the Covering of the Roof of the highest Building to which such Party

Prevention of Fire.

Party Walls to be carried up through the Roof.

Prevention of Fire.

Walls of Buildings and Coverings of Roofs to be made of incombustible Materials.

Party Walls belong; and all such Party Walls, and the external Walls of all Buildings, erected after the Adoption of this Act, in or near any Street, or within the Curtilage of any House adjoining any Street, shall be constructed of incombustible Materials, and the Coverings of the Roof thereof shall not, without the previous Consent in Writing of the Commissioners, be constructed of combustible Materials; and it shall not be lawful for the Owner of any Building within the Burgh, having at the Date of the Adoption by such Burgh of this Act a Roof covered with Thatch or other combustible Material, and contiguous to or adjoining to any other Building, to suffer such Covering to such Roof to remain for a longer Period than Seven Years after such Adoption of this Act, unless with the Consent in Writing of the Commissioners; and every Person who shall erect any Building, or cover any Roof, or suffer the Covering of any Roof to continue, contrary to the Provision herein contained, and who shall not remove or alter the same within One Month after Notice given to him for that Purpose by the Commissioners, shall be liable to a Penalty not exceeding One Pound for every Day that such Building or Covering to such Roof shall so continue.

Ventilation.

And with respect to the Improvement of Burghs, and to supplying Buildings with fresh Air, be it enacted as follows:

Regulating Construction of Buildings intended as Places for public Meetings.

CCLXXXVIII. That before beginning to build any Building intended to be used as a Church, Chapel, or School, or a Place of public Amusement or Entertainment, or for holding large Numbers of People for any Purpose whatsoever, within the Burgh, the Person intending to build the same shall give Fourteen Days Notice in Writing to the Commissioners, and shall accompany such Notice with a Plan and Description of the Manner proposed for its Construction, with respect to the Means of supplying fresh Air to such Building; and no Person shall begin to build such Building until the Manner proposed for its Construction, with respect to the Means for supplying fresh Air, have been approved of by the Commissioners; and in default of sending such Notice, or if any such Building be erected without such Approval, the Commissioners may cause such Building, or such Part of it as they consider necessary, to be pulled down or altered, at the Expense of the Owner, and any Expense incurred by the Commissioners in so doing may be recovered as herein-before provided with respect to ruinous or dangerous Buildings taken down or repaired by the Commissioners.

No Person to begin to build until Plan has been approved by Commissioners.

If Commissioners fail to signify their Ap-

CCLXXXIX. Provided always, That if the Commissioners fail to signify in Writing their Approval or Disapproval of the Manner of Construction of such Building, with respect to the Means of supplying fresh

fresh Air shown on such Plan and Description as aforesaid, within Seven Days after receiving such Notice, accompanied by such Plan and Description, the Person giving such Notice may, notwithstanding anything herein contained, proceed to build the Building therein referred to in the Manner shown on such Plan and Description, provided that such Building be otherwise in accordance with the Provisions of this Act.

proval of Plan within Seven Days, Party may proceed to build.

CCXC. Provided also, That if the Person so intending to build be dissatisfied with the Determination of the Commissioners as to the said proposed Manner of Construction, he shall have the same Right of Appeal against the Determination of the Commissioners, and such Appeal shall be conducted in the same Manner, as herein-before provided in the Case of Appeals against any Order of the Commissioners with respect to Works to be constructed by or subject to the Approval of the Commissioners.

Persons may appeal against Determination of Commissioners.

CCXCI. That it shall not be lawful to let separately, except as a Warehouse or Storehouse, or to suffer to be occupied as a Dwelling Place, any Cellar under any House in any Court within the Burgh, after the Commissioners have given Notice to the Owners thereof that the letting of Cellars as Dwelling Places in such Court is prohibited from that Time forth; and it shall be the Duty of the Commissioners to issue such Notices from Time to Time, as soon as is convenient, until such Notice has been given with respect to every Court within the Burgh.

Cellars in Courts not to be occupied as Dwellings after letting prohibited.

CCXCII. That it shall not be lawful, after Prohibition by the Commissioners, to let or occupy or suffer to be occupied separately as a Dwelling any Vault, Cellar, or underground Room (not being entirely open on one or other of its Sides) built or rebuilt after the Adoption of this Act, or which shall not have been so let or occupied before the Adoption of this Act, and it shall not be lawful, after such Prohibition, to let or continue to let, or to occupy or suffer to be occupied, separately as a Dwelling, any Vault, Cellar, or underground Room (not being entirely open on one or other of its Sides) whatsoever, which Vault, Cellar, or Room shall be less in Height from the Floor to the Ceiling than Seven Feet, or which shall be less than One Third of its Height above the Level of the Street or Ground adjoining the same, or otherwise shall not have Three Feet at least of its Height from the Floor to the Ceiling above the said Level, with an open Area of Two Feet and Six Inches wide from the Level of the Floor of such Vault, Cellar, or Room up to the Level of the said Street or Ground, or which shall not have appurtenant thereto the Use of a Water-closet or Privy, or which shall not also have a glazed

No Cellars under the Height of Seven Feet from the Floor to the Ceiling to be let as Dwellings.

Ventilation.

Window made to open to the full Extent of the Half thereof, the Area of which is not less than Nine Superficial Feet clear of the Frame, and a Fireplace, with a Chimney or Flue, or which Vault or Cellar, being an inner or back Vault or Cellar let or occupied along with a front Vault or Cellar as Part of the same Letting or Occupation, has not a ventilating Flue, (unless such inner or back Vault or Cellar shall be Part of a House built before the Adoption of this Act,) or which shall not be well and effectually drained by means of a Drain the uppermost Part of which is One Foot at least below the Level of the Floor of such Vault, Cellar, or Room; but any Person considering himself aggrieved by any such Prohibition may within Ten Days after the same is made known to him appeal against the same to the Sheriff.

Penalty on letting such Cellars as Dwelling Places.

CCXCIII. That every Person who lets separately, or who knowingly suffers to be occupied for Hire as a Dwelling, any Vault, Cellar, or Room within the Burgh, contrary to the Provisions of this Act, shall be liable to a Penalty not exceeding Twenty Shillings, and a further Penalty not exceeding Five Shillings for every Day during which such Vault, Cellar, or Room is so occupied after Conviction of the First Offence.

Water.

And with respect to the Improvement of Burghs, and to the Supply of Water, be it enacted as follows:

Power to Commissioners to construct public Cisterns and Pumps for Supply of Water to Baths and Wash-houses.

CCXCIV. That the Commissioners shall cause all existing public Cisterns, Pumps, Wells, Conduits, and other Waterworks used for the gratuitous Supply of Water to the Inhabitants within the Burgh to be continued, maintained, and supplied with Water, or they shall substitute other such Works equally convenient, and shall cause them to be maintained and supplied with Water; and such public Cisterns and other Works shall be vested in the Commissioners, and be under their Management and Control; and the Commissioners may construct any Number of new Cisterns, Pumps, Conduits, and other Waterworks for the gratuitous Use of any Persons who choose to carry the same away, not for Sale, but for their own private Use, and may supply with Water any public Baths or Wash-houses.

Commissioners may contract for Supply of Water.

CCXCV. That the Commissioners may contract, for any Period not exceeding Three Years at One Time, with the Owners of any Waterworks, or any other Person, for such Supply of Water as the Commissioners shall think necessary for the Purposes of this Act.

For ascertaining Price to be paid for Water in case of Dispute.

CCXCVI. That if the Commissioners, and the Owners of any Waterworks authorized by Act of Parliament to supply Water within the Burgh, with whom the Commissioners may be desirous of contracting,

tracting, do not agree as to the Price to be paid for such Supply, then such Price (except where by the Act authorizing such Waterworks some other Mode of determining such Price shall be provided) shall be settled by Arbitration, and for that Purpose the Clauses of "The Lands Clauses Consolidation (*Scotland*) Act, 1845," with respect to the Settlement of Disputes by Arbitration, shall be incorporated with this Act.

Water.

Commissioners to cause Fireplugs, &c. to be provided and maintained.

CCXCVII. That the Commissioners shall cause Fireplugs, and all necessary Works, Machinery, and Assistance for securing an efficient Supply of Water in Cases of Fire, to be provided and maintained, and for this Purpose they may enter into any Agreement with any Water Company or other Party, and they shall paint or mark on the Buildings and Walls in the Streets Words or Marks near to such Fireplugs to denote the Situation thereof, and do such other Things for the Purposes aforesaid as they may from Time to Time deem expedient.

Commissioners may provide sufficient Supplies of Water, and may erect Waterworks, &c.

CCXCVIII. That the Commissioners may provide the Burgh with such a Supply of Water as may be proper and sufficient for the Purposes of this Act, and for private Use to the Extent required by this Act; and for those Purposes, or any of them, the Commissioners may from Time to Time contract with any Person whomsoever, or purchase, take upon Lease, hire, construct, lay down, and maintain such Waterworks, and do and execute all such Works, Matters, and Things as shall be necessary and proper, including the opening of Streets from Time to Time, for the Purpose of laying down, altering, or repairing Water Pipes therein; and any Waterworks Company may contract with the Commissioners to supply Water for the Purposes of this Act in any Manner whatsoever, or may sell and dispose of or lease their Waterworks to the Commissioners; and the Commissioners may provide and keep in any Waterworks constructed or laid down by them under the Powers of this Act a Supply of pure and wholesome Water, and the Water so supplied may be constantly laid on at such Pressure as will carry the same to the top Story of the highest Dwelling House within the Burgh: Provided always, that before constructing or laying down any Waterworks under the Powers of this Act within any Limits within, for, or in respect of which any Waterworks Company shall have been established for supplying Water, the Commissioners shall give Notice in Writing to every Waterworks Company within whose Limits the Commissioners may be desirous of laying on or supplying Water, stating the Purposes for and (as far as may be practicable) the Extent to which Water is required by the Commissioners; and it shall not be lawful for the Commissioners to construct or lay down any Waterworks

In case of Waterworks constructed by Commissioners, the Water may be kept constantly under Pressure.

Commissioners not to construct Waterworks, &c. if any Waterworks Company within the Burgh be able and willing to supply Water upon Terms.

Water.

works within such Limits if and so long as any such Company shall be able and willing to lay on Water proper and sufficient for all reasonable Purposes for which it is required by the Commissioners; and in case any Difference shall arise as to whether the Water which any such Company is able and willing to supply or lay on is proper and sufficient for the Purposes for which it is required by the Commissioners, or whether the Purposes for which it is required are reasonable, the same shall be settled by the Sheriff upon summary Application by either of the Parties.

Service Pipes to be laid by Owners.

CCXCIX. And be it enacted, That where the Commissioners are able and willing to supply the Houses or Tenements within the Burgh with Water for domestic and ordinary Purposes, the Owners of such Houses and Tenements shall be entitled to obtain such Supply by connecting a Service Pipe with the Main Pipes to be laid down by the Commissioners, the Expense of such Service Pipes and of connecting the same with the Main Pipes being defrayed by such Owners; and where the Houses and Tenements generally in any Street or Place within the Burgh shall be supplied with Water by means of such Service Pipes, it shall be competent to the Commissioners to require the Owner of any Tenement in such Street or Place not so supplied to take a Supply of Water by connecting a Service Pipe with the Main Pipe as aforesaid; and in the event of Refusal or Delay on the Part of such Owner to comply with such Requisition, it shall be lawful for the Commissioners to enter upon such House or Premises and proceed to lay down such Service Pipe themselves, and to recover the Expense thereof from such Owner in the same Manner as Damages.

Water to be used only for domestic and ordinary Purposes unless by Agreement with the Commissioners.

CCC. And be it enacted, That no Person within the Burgh shall be entitled, without special Agreement with the Commissioners, to use the Water supplied through the Pipes of the Commissioners except for domestic and ordinary Purposes; but where there is a Supply of Water more than is required for such domestic and ordinary Purposes within the Burgh, it shall be lawful for the Commissioners to contract with any Person or Persons within the Burgh to supply any Public Baths and Wash-houses, Works, Manufactories, or other Premises within the Burgh with Water, at such Rate and upon such Terms and Conditions as may be agreed on; or in the event of Disagreement, either as to the Ability of the Commissioners to give the Supply or as to the Rate, Terms, or Conditions on or in respect of which the Supply is to be given, the same shall be fixed by the Sheriff upon summary Application by either of the Parties, and the Decision of the Sheriff shall be final.

CCCI. That

Water.

Penalty for injuring Waterworks, diverting Streams, or wasting Water.

CCCI. That whosoever shall wilfully or carelessly break, injure, or open any Lock, Cock, Waste Pipe, or Waterworks belonging to or under the Management or Control of the Commissioners, or shall unlawfully flush, draw off, divert, or take Water from any Waterworks belonging to or under the Management or Control of the Commissioners, or from any Waters or Streams by which such Waterworks are supplied, or shall wilfully or negligently waste or cause to be wasted any Water with which he is supplied by the Commissioners, shall for every such Offence forfeit a Sum not exceeding Five Pounds, and a further Penalty of Twenty Shillings for each Day whilst the Offence is continued after written Notice in that Behalf, which Penalties shall be paid to the Commissioners: Provided always, that nothing herein contained shall prevent the Owner or Occupier of any Premises through or by which any Streams may flow from using the same as they would have been entitled to do if this Act had not been passed.

Penalties on Persons for causing Water in Reservoirs to be fouled; and on Proprietors of Gasworks, &c.

CCCII. That whosoever shall bathe in any Stream, Reservoir, Conduit, Aqueduct, or other Waterworks belonging to or under the Management or Control of the Commissioners, or shall wash, cleanse, throw, or cause to enter therein any Animal, Rubbish, Filth, Stuff, or Thing of any Kind whatsoever, or shall cause or permit or suffer to run or be brought therein the Water of any Sink, Sewer, Drain, Engine, or Boiler, or other filthy, unwholesome, or improper Water, or shall do anything whatsoever whereby any Water belonging to the Commissioners or under their Management or Control shall be fouled, shall for every such Offence forfeit a Sum not exceeding Five Pounds, and a further Sum of Twenty Shillings for each Day whilst the Offence is continued, after written Notice in that Behalf; which Penalties shall be paid to the Commissioners; and whosoever, being Proprietor of any Gasworks, or being engaged or employed in the Manufacture or Supply of Gas, causes or suffers to be brought or to flow into any Stream, Reservoir, Conduit, Aqueduct, or Waterworks belonging to or under the Management or Control of the Commissioners, or into any Drain or Pipe communicating therewith, any Washing or other Substance produced in the Manufacture or Supply of Gas, or shall wilfully do any Act connected with the Manufacture or Supply of Gas whereby the Water in any such Stream, Reservoir, Aqueduct, or Waterworks is fouled, shall forfeit to the Commissioners for every such Offence the Sum of Two hundred Pounds, and, after the Expiration of Twenty-four Hours Notice in Writing from them in this Behalf, a further Sum of Twenty Pounds for every Day during which the Offence is continued, or during the Continuance of the Act whereby the Water is fouled; and every such Penalty shall be recoverable, with full Costs of Suit, by Action of Debt;

Water.

Debt; and if any Water supplied by, belonging to, or under the Management or Control of the Commissioners be fouled in any Manner by the Gas of any such Proprietor or Person as last aforesaid, he shall forfeit to the Commissioners for every such Offence a Sum not exceeding Twenty Pounds, and a further Sum not exceeding Ten Pounds for every Day whilst the Offence is continued after the Expiration of Twenty-four Hours Notice in Writing from the Commissioners in this Behalf; and for the Purpose of ascertaining whether such Water is fouled by the Gas of any such Proprietor or Person the Commissioners may lay open and examine any Pipes, Conduits, and Works from which the Gas is supposed to escape; provided that before beginning so to do Twenty-four Hours Notice in Writing be given to the Person to whom such Pipes, Conduits, or Works belong or under whose Management or Control they may be, of the Time at which the Examination is intended to be made; and if upon such Examination it appear that the Water has been fouled by the Gas proceeding from or contained in the Pipes, Conduits, or Works examined, the Expenses of the Examination shall be paid and borne by the Person to whom such Pipes, Conduits, or Works belong, or under whose Management or Control they may be, and be recoverable from him in the same Manner as Damages may be recoverable under this Act, or as any Debt may be recovered by the Law of *Scotland;* but if it appear that the Water has not been so fouled, then such Expenses, and all Damages occasioned by the Examination, shall be paid by the Commissioners out of the General Assessments levied under this Act, and be recoverable from them upon summary Application to the Sheriff, or otherwise as any Debt may be recovered by the Law of *Scotland.*

Commissioners may make Bye Laws in reference to Water.

CCCIII. And be it enacted, That it shall be lawful for the Commissioners to make Bye Laws regulating all or any Matters and Things whatsoever connected with the Water to be supplied within the Burgh through their Pipes.

Clocks.

Power to Commissioners to provide public Clocks.

CCCIV. And with respect to the Improvement of Burghs, and to Clocks, be it enacted, That the Commissioners may from Time to Time provide such Clocks as they consider necessary, and cause them to be fixed upon or against any public Building, or, with the Consent of the Owner and Occupier, upon or against any private Building, the Situation of which may be convenient for that Purpose, and may cause the Dials thereof to be lighted at Night, and from Time to Time alter and remove any such Clocks to such other like Situation as they shall consider expedient.

And

And with respect to Entry by the Commissioners or their Officers in execution of this Act, be it enacted as follows:

Execution of Works by Commissioners.

CCCV. That the Commissioners shall for the Purposes of this Act have Power, by themselves or their Officers, to enter, at all reasonable Hours in the Daytime, into and upon any Premises within the Burgh, as well for the Purpose of Inspection as for the Purpose of executing any Work authorized to be executed by them under this Act, without being liable to any legal Proceedings on account thereof: Provided always, that, except when herein otherwise provided, the Commissioners or their Officers shall not make any such Entry, unless with the Consent of the Occupier, until after the Expiration of Twenty-four Hours Notice for that Purpose given to the Occupier.

Commissioners empowered to enter upon Premises for the Purposes of this Act.

CCCVI. That every Person who shall at any Time obstruct the Commissioners, or any Person employed by them, in the Performance of anything which they are respectively empowered or required to do by this Act, shall be liable to a Penalty not exceeding Five Pounds.

Penalty on Persons obstructing Commissioners in their Duty.

And with respect to ensuring the Execution of the Works by this Act required to be done by Owners or Occupiers, be it enacted as follows:

Execution of Works by Owners.

CCCVII. That where under this Act any Notice is required to be given to the Owner or Occupier of any Premises, such Notice, addressed to the Owner or Occupier thereof, as the Case may require, may be served on the Occupier of such Premises, or left with some Inmate of his Abode, or, if there be no Occupier, may be put up on some conspicuous Part of such Premises; and it shall not be necessary in any such Notice to name the Occupier or the Owner of such Premises: Provided always, that when the Owner of any such Premises, and his Residence, are known to the Commissioners, it shall be the Duty of the Commissioners, if such Owner be resident within the Burgh, to cause every Notice required to be given to the Owner to be served on such Owner, or left with some Inmate of his Abode; and if such Owner be not resident within the Burgh, they shall send every such Notice by the Post, addressed to the Residence of such Owner.

As to Service of Notice on Owners and Occupiers.

CCCVIII. That whenever, under the Provisions of this Act, any Work of any kind is required to be executed by the Owner or Occupier of any Premises, and Default is made in the Execution of such Work, the Commissioners may cause such Work to be executed, and the Expense incurred by the Commissioners in respect thereof shall, except in the Case in which such Expenses are herein directed to be defrayed

Commissioners, in default of Owner or Occupier, may execute Works, and recover Expenses.

Execution of Works by Owners.

defrayed by Drainage Rates, be repaid to them by the Person by whom such Work ought to have been executed.

Occupier, in default of Owner, may execute Works, and deduct Expenses from his Rent.

CCCIX. That whenever Default is made by the Owner of any Premises in the Execution of any Work by this Act required to be executed by him, the Occupier of such Premises may, with the Approval of the Commissioners, cause such Work to be executed, and the Expense thereof shall be repaid to such Occupier by the Owner of such Premises, and such Occupier may deduct the Amount of such Expense out of the Rent from Time to Time becoming due from him to such Owner.

How Expenses are to be recovered from Owner.

CCCX. That if the Owner of any Premises made liable by this Act for the Repayment to the Commissioners of any Expenses incurred by them do not, as soon as the same become due and payable from him, repay all such Expenses to the Commissioners, the Commissioners may recover the same from such Owner in the same Manner as Damages may be recovered under this Act, or as any Debt may be recovered by the Law and Practice of *Scotland*.

Power to levy Charges on Occupier, who may deduct the same from his Rent.

CCCXI. That the Commissioners may, by way of additional Remedy, require the Payment of all or any Part of the Expenses payable by the Owner for the Time being from the Person who then or at any Time thereafter occupies any such Premises under such Owner; and in default of Payment thereof by such Occupier, on Demand, the same may be levied by Seizure and Sale of the Goods and Effects of such Occupier, in the same Manner as any Assessment or Rate may be recovered from him under this Act; and every such Occupier shall be entitled to deduct from the Rent payable by him to his Landlord so much as is so paid by or recovered from him in respect of any such Expenses.

Occupier not to be liable for more than the Amount of Rent due.

CCCXII. Provided always, That no Occupier of any Premises shall be liable to pay more Money in respect of any Expenses charged by this Act on the Owner thereof than the Amount of Rent due from him for the Premises in respect of which such Expenses are payable at the Time of the Demand made upon him, or which at any Time after such Demand, and Notice not to pay the same to his Landlord, have accrued and become payable by him, unless he neglect or refuse, upon Application made to him for that Purpose by the Commissioners, truly to disclose the Amount of his Rent, and the Name and Address of the Person to whom such Rent is payable; but the Burden of Proof that the Sum demanded of any such Occupier is greater than the Rent which was due by him at the Time of such Demand, or which has since accrued, shall lie upon such Occupier:

Provided

Provided further, that nothing herein contained shall be taken to affect any special Contract made between any such Owner or Occupier respecting the Payment of the Expenses of any such Works as aforesaid.

Execution Works by Owners.

CCCXIII. That where any such Expenses payable to the Commissioners by any Owner of any such Premises amount to more than Half the Amount of the net annual Value of such Building or Lands, the Commissioners may, if they think fit, at the Request of any such Owner, allow Time for the Repayment of such Expenses, and receive the same by such Instalments as they, under the Circumstances of the Case, consider reasonable, but so that the same be repaid by annual Instalments of not less than One Seventh Part of the whole Sum originally due, with Interest for the Principal Money from Time to Time remaining unpaid after the yearly Rate of Five Pounds in the Hundred during the Period of Forbearance; but all such Sums remaining due, notwithstanding the Commissioners have agreed to allow any Time for the Repayment thereof as aforesaid, shall from Time to Time, at the Expiration of the several Times so allowed for Repayment thereof, be recoverable in like Manner as such respective Amounts would have been recoverable if no such Time had been allowed for Repayment thereof.

Commissioners may allow Time for Repayment by Owners of Improvement Expenses.

CCCXIV. That if the Occupier of any Premises within the Burgh prevent the Owner thereof from carrying into effect in respect of such Premises any of the Provisions of this Act, after Notice of his Intention so to do has been given by the Owner to such Occupier, the Sheriff may make an Order in Writing requiring such Occupier to permit the Owner to execute all such Works with respect to such Premises as may be necessary for carrying into effect the Provisions of this Act; and if after the Expiration of Ten Days from the Date of such Order such Occupier continue to refuse to permit such Owner to execute such Works, such Occupier shall for every Day during which he so continues to refuse be liable to a Penalty not exceeding Five Pounds; and every such Owner during the Continuance of such Refusal shall be discharged from any Penalties to which he might otherwise have become liable by reason of his Default in executing such Works.

Proceedings in case of Tenants opposing the Execution of this Act.

CCCXV. That nothing in this Act contained shall extend to avoid any Agreement in Writing entered into before the Adoption of this Act for erecting or altering any Building, but the same shall be performed with such Alterations as may be rendered necessary by this Act, and as if such Alterations had been stipulated for in such Agreement; and the Difference between the Cost of the Work

Respecting existing Contracts for building.

 according

Execution of Works by Owners.

according to the Agreement and the Cost of such Work as executed according to the Provisions of this Act shall be ascertained by the Parties to the respective Agreements, and paid for or deducted as the Case may require; and if the said Parties do not agree upon the Amount of such Difference, the same shall, on the Request of either Party (Notice being given to the other), be decided by the Surveyor to the Commissioners, and for his Trouble in making such Decision each of the said Parties shall pay to the said Surveyor such Sum not exceeding One Pound, and to be disposed of for such Purposes of this Act, as the Commissioners shall direct.

Respecting Contracts for Leases.

CCCXVI. That nothing in this Act contained shall affect any Lease or Agreement for a Lease whereby any Person may be bound to erect Buildings upon any Building Ground within the Burgh, but the Buildings mentioned in such Lease or Agreement shall be built, according to the Conditions which may be rendered necessary by this Act, in the same Manner as if this Act had been adopted and in operation at the Time of making such Lease or Agreement, and the same had been made subject thereto, and that without either Party being entitled to any Compensation.

Special Order.

And with respect to Things to be done by the Commissioners by Special Order only, be it enacted as follows:

As to certain Matters authorized to be done by the Commissioners by Special Order only.

CCCXVII. That where by this Act the Commissioners are empowered to do any Thing by Special Order only, it shall not be lawful for them to do such Thing unless the Resolution to do the same have been agreed to by the Commissioners in some Meeting whereof special Notice has been given, and has been confirmed in a subsequent Meeting held not sooner than Four Weeks after the preceding Meeting, and which subsequent Meeting has been advertised once at least in each of the Weeks intervening between the Two Meetings in some Newspaper circulating within the Burgh, if any be, or otherwise in some Newspaper circulating in the County in which the Burgh is situated, and of which special Notice in Writing has been given to each of the Commissioners.

Final Resolution not to be carried into effect for One Month, nor then if a Majority of the Ratepayers remonstrate against the same.

CCCXVIII. Provided always, That after any Resolution has been confirmed in a subsequent Meeting as aforesaid the Commissioners shall not proceed to carry the same into effect until after the Expiration of One Month from the Date of such Second Meeting, and during such Month such Resolution shall be advertised once at least in each Week in such Newspaper as aforesaid, and public Notice thereof shall also be given by means of Placards posted in public Places within the Burgh, and Reference shall in such Advertisement and Notice be made to some Place provided by the Commissioners

sioners where the Plan or Particulars of the Work or Matter to which such Resolution relates may be gratuitously seen by the Rate-payers; and if before the Expiration of such Month a Remonstrance in Writing against carrying into effect such Resolution or any Part thereof, signed by a Majority of the Rate-payers having Votes in the Election of the Commissioners, be presented to the Commissioners, such Resolution, or such Part thereof as such Remonstrance applies to, shall not be carried into effect; and where any such Remonstrance applies to Part only of any such Resolution, the Commissioners may either carry into effect the Remainder of such Resolution, or rescind the same, as they think fit.

Special Order.

CCCXIX. That the Commissioners may from Time to Time, by Special Order, as herein defined, but not otherwise, purchase, rent, build, or otherwise provide such Slaughter-houses as they think proper for slaughtering Cattle within the Burgh.

Commissioners may provide Slaughter-houses;

CCCXX. That the Commissioners may by Special Order, as herein defined, but not otherwise, purchase, rent, or otherwise provide Lands, Grounds, or other Places, either within the Burgh, or at a reasonable Distance therefrom, not exceeding Three Miles from the Centre of the principal Market Place, if any, or from the principal Office of the Commissioners, to be used as a Pleasure Ground or Place of public Resort or Recreation; and the Commissioners may from Time to Time level, drain, plant, and otherwise lay out and improve any such public Lands or Grounds for the more convenient Use and Enjoyment thereof.

Places for public Recreation;

CCCXXI. That the Commissioners may from Time to Time by Special Order, as herein defined, but not otherwise, purchase, rent, or otherwise provide, either within the Burgh or at a reasonable Distance therefrom, suitable and convenient Premises, to be used for public Baths and Wash-houses, and public open Bathing Places, and public Drying Grounds, for the Use and Accommodation of the Inhabitants within the Burgh in washing and drying Clothes and other Articles, and may fit up the same respectively with all requisite and proper Conveniences, and from Time to Time enlarge, renew, and repair the same respectively, and afford the Use thereof respectively to such Inhabitants, at such reasonable Charges, and under and subject to such Regulations, as the Commissioners may deem expedient; and every Person who offends against any such Regulations shall be liable to a Penalty not exceeding Forty Shillings for every Offence.

and Public Bathing Places and Drying Grounds.

CCCXXII. Pro-

Special Order.

Proportion of Baths for the Working Classes.

CCCXXII. Provided always, That the Number of Baths for the Use of the Working Classes in any Building provided by the Commissioners shall not be less than twice the Number of the other Baths of any higher Class.

Charges for the Use of Baths.

CCCXXIII. That the Commissioners may from Time to Time make such reasonable Charges for the Use of such Baths, Bathing Places, Wash-houses, and Drying Grounds as they think fit.

Recovery of Charges for the Use of Baths, &c.

CCCXXIV. That for the Recovery of the Charges at such Wash-houses and Drying Grounds the Officers, Servants, and others having the Management thereof may, at the Period of using the same, or at any subsequent Time, detain the Clothes or other Goods and Effects in or upon any such Wash-house or Drying Ground of any Person refusing to pay the Charge to which such Person may be liable, or any Part thereof, till full Payment thereof be made; and in case such Payment be not made within Seven Days, the Commissioners may sell such Clothes, Goods, and Effects, or any of them, returning the surplus Proceeds of such Sale, after deducting the unpaid Charge and the Expenses of such Detention and Sale, and the unsold Articles, if any, on Demand, to such Person.

Publication of Bye Laws in regard to Baths, &c.

CCCXXV. That a printed Copy or sufficient Abstract of the Bye Laws made by the Commissioners relating to the Use of such Baths, Bathing Places, and Wash-houses, so far as regards every such Bath, Bathing Place, or Wash-house, shall be put up in such Bath Room, Bathing Place, and Wash-house.

Sale of Baths, &c. on discontinuing them.

CCCXXVI. That whenever any of such public Baths, Bathing Places, Wash-houses, or Drying Grounds are deemed by the Commissioners to be unnecessary or too expensive to be kept up, the Commissioners may, by Special Order, as herein defined, but not otherwise, discontinue the same, and sell the Lands, Buildings, and Materials for the best Price that can reasonably be obtained, and convey the same accordingly; and the Purchase Money shall be paid to the Treasurer of the Commissioners, and be disposed of as the Commissioners direct.

Application may be made to Parliament if additional Powers necessary.

CCCXXVII. That if it appear that any Works which the Commissioners deem necessary for promoting the Health or Convenience of the Inhabitants of the Burgh cannot lawfully be carried into effect by the Commissioners under the Powers vested in them by this Act, by reason either that the Monies authorized to be raised by them are insufficient for the Purpose, or that any Lands are required which the Commissioners are not by this Act authorized to take or use, or for

for any other Reason, the Commissioners may, by Special Order, as herein defined, but not otherwise, cause Application to be made to Parliament for an Act to enable them to execute such Works, and may defray the Expenses of such Application out of the Assessments authorized to be levied by them under this Act. *Special Order.*

And with respect to the Bye Laws to be made by virtue of this Act, be it enacted as follows: *Bye Laws.*

CCCXXVIII. That the Commissioners may from Time to Time make such Bye Laws as they think fit for the several Purposes for which they are by this Act empowered to make Bye Laws, and from Time to Time repeal, alter, or amend any such Bye Laws, provided such Bye Laws be not repugnant to the Law of *Scotland* or the Provisions of this Act, and be reduced into Writing, and have affixed thereto the Signatures of Two of the Commissioners, and, if affecting other Persons than the Officers or Servants of the Company, be confirmed and published as herein provided. Bye Laws.

CCCXXIX. That the Commissioners, by the Bye Laws so to be made by them, may impose such reasonable Penalties as they think fit, not exceeding Forty Shillings for each Breach of such Bye Laws: Provided always, that such Bye Laws be so framed as to allow the Sheriff or Magistrate before whom any Penalty imposed thereby is sought to be recovered to order the whole or Part only of such Penalty to be paid, or to remit the whole Penalty. Bye Laws may be enforced by Imposition of Penalties.

CCCXXX. That no Bye Law made by the Commissioners under the Authority of this Act, except such as relate solely to the Commissioners or their Officers or Servants, shall come into operation until the same be confirmed by the Sheriff; and it shall be incumbent on the Sheriff, on the Request of the Commissioners, to inquire into any Bye Laws tendered to him for that Purpose, and to allow or disallow of the same as he may think meet. Bye Laws to be confirmed.

CCCXXXI. That no such Bye Laws shall be confirmed unless Notice of the Intention to apply for a Confirmation of the same have been given in One or more Newspapers circulating within the Burgh, if any be, or otherwise in some Newspaper circulating in the County in which the Burgh is situated, One Month at least before the hearing of such Application; and any Person desiring to object to any such Bye Law, on giving to the Commissioners Notice of the Nature of his Objection Ten Days before the hearing of the Application for the Allowance thereof, may, by himself or his Counsel or Agent, be heard thereon, but not so as to allow more than One objecting Party to be heard on the same Matter of Objection. Notice of Confirmation to be given.

CCCXXXII. That

Bye Laws.

A Copy of proposed Bye Laws to be open to Inspection.

CCCXXXII. That for One Month at least previous to any such Application for Confirmation of any Bye Law a Copy of the proposed Bye Laws shall be kept at the principal Office of the Commissioners, and all Persons may at all reasonable Times inspect such Copy without Fee or Reward; and the Commissioners shall furnish every Person who applies for the same with a Copy thereof or of any Part thereof, on Payment of Sixpence for every One hundred Words so to be copied.

Publication of Bye Laws.

CCCXXXIII. That such Bye Laws, when confirmed, shall be printed; and the Clerk to the Commissioners shall deliver a printed Copy thereof to every Person applying for the same, without Charge, or at a Charge not exceeding One Halfpenny; and a Copy thereof shall be painted or placed on Boards, which shall be hung up on the Front or in some conspicuous Part of the principal Office of the Commissioners, and also on some conspicuous Part of the Works or Locality to which the same relate; and such Boards, with the Bye Laws thereon, shall be from Time to Time renewed as Occasion requires, and shall be open to Inspection without Fee or Reward; and any such Clerk who does not allow the same to be inspected at all reasonable Times shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

Bye Laws to be binding on all Parties.

CCCXXXIV. That such Bye Laws, when so confirmed and published, shall be binding upon and be observed by all Parties, and shall be sufficient to justify all Parties acting under the same.

Evidence of Bye-Laws.

CCCXXXV. That the Production of a written or printed Copy of the Bye Laws requiring Confirmation by the Sheriff, authenticated by the Signature of the Sheriff who approved of the same, and a written or printed Copy of the Bye Laws not requiring such Confirmation, authenticated by the Signatures of Two Commissioners, shall be Evidence of the Existence and of the due making of such Bye Laws in all Prosecutions under the same, without adducing Proof of the Signature or Signatures of the Sheriff or Commissioners; and with respect to the Proof of the Publication thereof it shall be sufficient to prove that a Board containing a Copy thereof was affixed and continued in the Manner by this Act directed, and in case of its being afterwards displaced or damaged, that such Board was replaced or restored as soon as conveniently might be, unless Proof be adduced by the Party complained against that such painted Board did not contain a Copy of the Bye Law under which he is prosecuted, or that it was not duly affixed or continued as required by this Act.

CCCXXXVI. That

Bye Laws.

Penalty on pulling down Boards.

CCCXXXVI. That any Person who destroys, pulls down, injures, or defaces any Board on the Premises of the Commissioners on which any Bye Law of the Commissioners is painted or placed shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

Recovery of Damages and Penalties.

Recovery of Damages and Penalties.

And with respect to the Recovery of Damages not specially provided for, and of Penalties, be it enacted as follows:

CCCXXXVII. That all such Damages and Penalties may be recovered by summary Proceedings upon Complaint in Writing made by the Superintendent of Police or by the Procurator Fiscal to a Magistrate of the Burgh or to the Sheriff of the County within which such Damages or Penalty shall arise or be incurred, or to the Sheriff of any County in which the Offender may be found, and on such Complaint being made such Magistrate or Sheriff shall issue a Warrant for bringing the Party complained against immediately before him, or shall issue an Order requiring such Party to appear at a Time and Place to be named in such Order; and every such Order shall be served on the Party complained against either in Person or by leaving with some Inmate at his usual Place of Abode a Copy of such Order, and of the Complaint whereon the same has proceeded, and either upon the Appearance or on the Default to appear of the Party complained against it shall be lawful for such Magistrate or Sheriff to proceed to the hearing of the Complaint, and upon Proof either by the Confession or Admission of the Party complained against, or upon the Oath of One credible Witness or more, and without any written Pleadings or Record of Evidence, to convict or give Judgment against the Party complained against, and thereupon to decree, adjudge, and sentence him to pay the Damages or Penalty which have arisen or been incurred, and the Expenses attending the Proceedings, and to grant a Warrant for imprisoning him until such Damages or Penalty and Expenses shall be paid: Provided always, that such Warrant shall specify the Amount of such Damages, or Penalty and Expenses, and shall also specify a Period at the Expiration of which the Party shall be discharged, notwithstanding such Damages or Penalty and Expenses shall not have been paid, and which Period shall in no Case exceed Two Months; and such Damages and Penalties shall be paid to the Commissioners, or to their Treasurer or Collector, and be applied for the general Purposes of this Act within the Burgh; and the Decision of such Magistrate or Sheriff in all such Cases shall be final and conclusive, and shall not be subject to Review, or to be set aside on the Merits, or on any Ground of Want of Form or other Ground, or by Suspension, Reduction, Advocation, or Appeal to any Court whatever.

CCCXXXVIII. That

Recovery of Damages and Penalties.

Limitation of summary Prosecutions.

CCCXXXVIII. That the Prosecution for every Offence punishable upon summary Conviction by virtue of this Act shall be commenced within Six Months after the Commission of the Offence or after the Cause of Action shall have occurred.

Penalty on Persons giving false Evidence.

CCCXXXIX. That every Person who, upon any Examination upon Oath under the Provisions of this or the special Act, shall wilfully give false Evidence, shall be liable to Punishment for Perjury.

Borrowing of Money.

And with respect to the borrowing of Money for the Purposes of this Act, be it enacted as follows:

Power to Commissioners to borrow Money for the Purposes of this Act.

CCCXL. That it shall be lawful for the Commissioners to borrow and take up for the Purpose of procuring a Police Office, erecting a Slaughter-house or Weigh-house, or for erecting Lamps, or for making and constructing Common Sewers, or for procuring or supplying Water or Gas, or for procuring Fire Engines, or for any of the other Purposes authorized by this Act, such Sum or Sums and at such Time or Times as the Commissioners shall deem necessary for such Purposes: Provided always, that in all Cases where it shall be necessary to borrow any Sum or Sums for the Purposes of this Act, it shall be lawful for the Commissioners, and they are hereby authorized and required, at their first annual Meeting for Assessment after such borrowing, to assess all Occupiers of Premises within the Burgh liable in Assessment under this Act, in such additional Assessment beyond the Sum necessary for the Purposes of this Act as will produce a Fund equal to Five *per Centum per Annum* upon the Sum or Sums so borrowed, and also to the annual Interest of such borrowed Sum or Sums, which Sum of Five *per Centum per Annum* the Commissioners shall annually appropriate, set apart, and invest, at the highest Rate of Interest which can be had for the same, in the Public Funds, or in any chartered or other Bank, or on heritable Security, as a Sinking Fund, applicable and to be applied by the Commissioners from Time to Time to the Repayment of the Money borrowed, until the Debt shall be extinguished: Provided always, that such additional Assessment shall at no Time increase the whole Assessment leviable beyond the maximum Rate of Assessment of Two Shillings and Sixpence *per* Pound Sterling, or One Shilling and Sixpence *per* Pound Sterling, as the Case may be, allowed by this Act; and provided also, that no Sum of Money shall be borrowed until an Estimate of the Amount required shall have been laid before the Commissioners, or until the Expiration of Six Weeks after public Notice shall have been given by the Commissioners of the Amount so proposed to be borrowed, and the Purpose to which the borrowed Money is to be applied, in some Newspaper in ordinary Circulation within

within such Burgh; and provided further, that the Proposal to borrow shall be disposed of at the next Meeting of the Commissioners Six Weeks after such public Notice, and that the Sum borrowed shall not exceed the Amount so advertised without a further Estimate and Notice in manner above provided.

Borrowing of Money.

CCCXLI. That no Commissioner or Officer acting under the Commissioners shall be personally liable for the Repayment of any Money so borrowed, but all such Obligations shall be deemed and taken to be granted on the sole Security of the Rates and Assessments authorized to be assessed and levied as herein-before provided.

Commissioners not to be personally liable.

CCCXLII. That all Bonds for Monies to be borrowed as aforesaid shall be signed by the Treasurer or Collector of the Commissioners in Presence of Two of the said Commissioners, who shall sign as Witnesses thereto, and shall be in the Form and Tenor following; *videlicet*,

As to Bonds to be granted.

'Number [*here state the Number*].

'By virtue of an Act made in the Year of the 'Reign of Her Majesty Queen Victoria, intituled "An Act [*specify* 'this Act]," I *A.B.* [*state whether Treasurer or Collector, or both,*] 'of the Commissioners of Police for the Burgh of [*insert the Name* 'of the Burgh], and by Authority of the said Commissioners, in con- 'sideration of the Sum of [*insert the Sum in Words*] instantly 'advanced and paid to me on account of the said Commissioners, and 'for the Purposes of the said Act, by *C.D.* of *E.*, do hereby bind and 'oblige the said Commissioners for the Time being, out of the first 'and readiest of the Monies to be raised under the annual Assess- 'ments by the said Act authorized to be imposed and levied, to pay 'at the Term of [*insert Term of Payment*] to the said *C.D.*, his 'Executors or Assignees, the said Sum of [*state the Sum*], and 'also the Interest thereof at the Rate of [*insert the Rate of* 'Interest] per Centum per Annum from the Date hereof, at the 'Terms of Whitsunday and Martinmas in each Year, till the said 'Sum is paid; and for the further Security of the said *C.D.* I do 'hereby assign to him, his Executors or Assignees, such Proportion 'of the said Monies to be raised under the said annual Assessment 'as shall be equivalent to the said Sum now paid to me, and the 'Interest thereon as aforesaid from the Date hereof to the Term of 'Payment; and I consent to the Registration hereof in the Books of 'Council and Session, or others competent, for Preservation, and that 'all competent Diligence may pass and be directed hereon, in Form as

Borrowing of Money.

'effeirs, and thereto constitute my Procurators.
'In witness whereof [*insert Testing Clause in Common Form*].
'*A.B.*'

'*K.L.*, Commissioner.
'*M.N.*, Commissioner.'

And till Repayment such Bonds respectively shall form a Lien on the Rates and Assessments under this Act assigned by such Bond, and shall entitle the Creditor under the same to recover the Contents thereof from the Commissioners and their Officers out of the first and readiest of such Rates and Assessments.

Bonds may be transferred by Indorsement.

CCCXLIII. That such Bonds may be assigned by Indorsation on the Back thereof in the Form and Tenor following; *videlicet*,

'I *C.D.*, within designed, do transfer this Bond, with all Right, 'Title, or Interest which I have under the same, to *E.F.*, his [*or* her, '*or* their, *as the Case may be*,] Executors and Assignees. In 'witness whereof [*insert Testing Clause in common Form*].
'*K.L.*, Witness. *C.D.*'
'*M.N.*, Witness.'

Bonds to be recorded, and Assignations to be registered.

CCCXLIV. That before such Bond shall be delivered to the Creditor, or shall form a valid Lien on the Rates and Assessments as aforesaid, the same shall be recorded in the Sederunt Book of the Commissioners, and a Certificate of such Registration shall be indorsed on such Bond, and signed by the Clerk of the Commissioners; and such Assignations shall be notified to the Treasurer of the Commissioners, who shall enter in the said Sederunt Book the Date of the said Assignation, the Names of the Parties thereto, the Number or Mark of such Bond, and the Interest due on the same; and a Certificate of such Entry shall be indorsed on the said Bond, and signed by the Treasurer, and the said Bond, being so certified, the Assignee, his Executors and Assignees, shall thereafter be entitled to the full Benefit of such Bond in Terms of such Assignation.

Jurisdiction of Police Courts.

And with respect to the Jurisdiction of Magistrates of Police under this Act, and the Forms of Procedure before such Magistrates, be it enacted as follows:

Jurisdiction of Magistrates of Police under this Act.

CCCXLV. That the Magistrates of Police of a Burgh under this Act, or any One or more of such Magistrates, shall have Jurisdiction in all Matters arising in such Burgh under this Act, and shall have all such and the like Jurisdiction within such Burgh as any Magistrate of a Royal Burgh, or any Dean of Guild of a Royal Burgh, has by the Law of *Scotland* within the Royal Burgh in and for which he acts as such Magistrate or Dean of Guild.

CCCXLVI. That

CCCXLVI. That it shall be lawful for the Magistrates of Police under this Act to appoint, from Time to Time, by Writing, and during Pleasure, a fit Person to be Procurator Fiscal of the Burgh in which they act as such Magistrates, and such Procurator Fiscal shall within such Burgh have all such and the like Powers and Privileges as by Law appertain to any Procurator Fiscal of a Royal Burgh in reference to such Royal Burgh.

Jurisdiction of Police Courts.

Magistrates of Police may appoint Procurator Fiscal.

CCCXLVII. That in the temporary Absence of the Procurator Fiscal so to be appointed, occasioned by Indisposition or other necessary Cause, it shall be lawful for the Magistrates of Police to appoint a fit Person to perform *ad interim* the Duties of such Procurator Fiscal, in the Name of such Procurator Fiscal.

Interim Fiscal.

CCCXLVIII. That all Actions, Prosecutions, and Proceedings before the Magistrates of Police or any of them shall commence by a Complaint, written or printed or partly written and partly printed, at the Instance of the Procurator Fiscal or Superintendent of Police, to be appointed as herein authorized, or at the Instance of any Person duly authorized to act for them respectively, in which latter Case such Proceedings, though subscribed by such Person, shall be commenced and conducted throughout in Name of the Procurator Fiscal or Superintendent of Police respectively; and (with the Exception of Complaints against Chain-droppers, Thimblers, loaded Dice Players, and Offenders of that Description,) such Complaint, in all Cases of Theft, or of Reset of Theft, or of Falsehood, Fraud, and wilful Imposition, or of Breach of Trust and Embezzlement, shall bear that the Sum of Money or the Value of the Article stolen, resetted, obtained by Falsehood, Fraud, and wilful Imposition, or embezzled, does not exceed Ten Pounds; and it shall not be competent thereafter to the Person accused (except where an Offer shall be made at the Time) to prove that the Money or Article stolen, resetted, obtained, or embezzled exceeded in Value the Sum of Ten Pounds; and the whole other Procedure before such Magistrates or any of them shall be conducted summarily, *vivâ voce*, and without written Pleadings; and no other Record shall be kept of the Proceedings, except the Complaint, and the Judgment pronounced thereon; and it shall not be competent to any Party who shall appear to answer to any Complaint to plead Want of due Citation or Informality in the Warrant or Execution.

Forms of Procedure in Police Court.

CCCXLIX. That the Magistrates of Police and the Sheriff, with the Advice and Approbation of the Lord Justice General and the Lord Justice Clerk for the Time being, shall and they are hereby authorized and required, when necessary, to frame Rules and Regulations

Forms of Procedure to be framed.

Jurisdiction of Police Courts.

tions and Forms of Procedure calculated to despatch the Business in the easiest and most expeditious Manner, and from Time to Time to alter and amend the same, in order that the Provisions of this Act may be carried into full Execution.

Certain Crimes not competent to be taken cognizance of in the Police Court.

CCCL. That if it shall appear, either in the preliminary Investigation of the Charges against any Person accused of having committed any Crime, Delinquency, or Offence within the Burgh, or during his Trial before the Magistrate, that such Person has been guilty of or is charged with any of the Crimes denominated the Pleas of the Crown, (*videlicet,*) Murder, Robbery, Rape, and Wilful Fire-raising, or with the Crimes of Stouthrief, or of Theft by Housebreaking, or of Housebreaking with Intent to steal, or of simple Theft to an Amount exceeding Ten Pounds, or of Theft by opening lockfast Places, or of Theft aggravated by being Habit and Repute a common Thief, or by having been Twice previously convicted of Theft, or of Reset of Theft, to an Amount exceeding Ten Pounds, or of Reset of Theft aggravated by having been Twice previously convicted of that Crime, or of Falsehood, Fraud, and wilful Imposition to an Amount exceeding Ten Pounds, or of Falsehood, Fraud, and wilful Imposition aggravated by having been Twice previously convicted of that Crime, or of Breach of Trust and Embezzlement to an Amount exceeding Ten Pounds, or of Breach of Trust and Embezzlement aggravated by having been Twice previously convicted of that Crime, or of Assault to the Danger of Life, or of Assault whereby any Limb has been fractured, or of Assault with any Knife or other lethal Instrument where Effusion of Blood has followed, or of Assault aggravated by Two previous Convictions for that Crime, or of Assault with Intent to ravish, or of Attempt at Wilful Fire-raising, or of Culpable Homicide, or of Forgery, or of uttering Forged Bank or Banker's Notes, it shall not be competent for the Procurator Fiscal, or those acting under or for him, to insist in a Prosecution against such Person before the Magistrate, but the Magistrate shall commit the Person accused to Prison for Examination, and the Procurator Fiscal or Superintendent of Police shall forthwith give Notice of such Commitment to the Procurator Fiscal of the County in which the Offence shall be charged to have been committed, in order that such Person may be proceeded against conformably to Law: Provided always, that the aforesaid Provision shall not apply to Chaindroppers, Thimblers, loaded Dice Players, and Offenders of that Description, whom the Magistrate is hereby specially empowered to try and sentence, whatever may be the Amount of the Sum specified in the Charge against them, or however often they may have been previously convicted.

CCCLI. That

Jurisdiction of Police Courts

Limitation of Police Prosecutions.

CCCLI. That no Complaint at the Instance of any private Party, or of the Procurator Fiscal or Superintendent of Police, for any Offence under this Act, shall be received or entertained unless the same be presented within Six Months after the Commission of the Offence.

Superintendent in certain Cases may accept of Bail or Deposit.

CCCLII. That upon the Apprehension of any Person charged with any Offence under this Act, or with any Crime which may be competently tried before the Magistrate, it shall be lawful, in the Absence of the Magistrate, for the Superintendent of Police to accept of Bail or Deposit that such Person shall appear for Trial before the Magistrate at some Time and Place to be specified, and at all after Diets of Court, and to liberate the Person so apprehended upon Bail being found to an Amount not exceeding Twenty Pounds, or upon the Deposit of any Money or Article of Value to the Amount of the Bail fixed; and the Superintendent of Police, if Deposit be accepted, shall enter the same in a Book to be kept for the Purpose, and grant an Acknowledgment for the Money or Article so deposited: Provided always, that the Superintendent of Police may refuse, if he see Cause, to accept of Bail in any Shape; and the Refusal to accept Bail or Deposit, and detaining the Person so apprehended until the Case of such Person is tried in the usual Form, shall not subject the Superintendent of Police to any Claim for Damages, wrongous Imprisonment, or Claim of any other kind whatsoever.

Persons in Custody to be taken before the Magistrate.

CCCLIII. That every Person taken into Custody, and who shall be detained in Custody, shall be taken before the Magistrate not later than in the course of the first lawful Day after he shall be taken into Custody; and if the Nature of the Crime or Offence charged shall admit of its being competently tried before the Magistrate under the Provisions of this Act, it shall be lawful for him to grant Warrant to commit such Offender to Prison, when remanded for affording Time to find Bail or for further Examination, such further Examination always taking place as soon as Circumstances shall permit, and without any unnecessary Delay; or if the Crime or Offence charged shall in the Opinion of the Magistrate merit a higher or greater Punishment than he can lawfully award, it shall be lawful for him to commit such Offender to Prison for Examination; or if the Crime or Offence charged, from having been committed beyond the Limits of the Burgh, falls to be tried in another Jurisdiction, it shall be lawful for the Magistrate to commit such Offender to Prison until disposed of according to Law; in either of which last Two Cases it shall be the Duty of the Superintendent of Police to give Notice of such Commitment to the Procurator Fiscal or other proper Officer for the City, County, Burgh, or other Jurisdiction

 within

Jurisdiction of Police Courts.

within which the Crime or Offence was committed, in order that such Offender may be further proceeded with according to Law.

Authority to Officers to cite Parties and Witnesses.

CCCLIV. That this Act shall be a sufficient Authority to the Constables for citing a Party charged with any Offence against the Provisions of this Act, or of any Bye Law made in virtue thereof, or at Common Law, and for summoning any Witness to give Evidence in relation to the same; and it shall be deemed a legal Citation of such accused Party or Witness if the Citation be delivered personally, or left at his Dwelling House, or at the Hotel, Inn, Lodging House, or other Place in which he eats and sleeps (if no other Domicile can be found), or in the Shop, Warehouse, Counting-house, or other Place of Business occupied by him, or, in the Case of a Master of or Seaman or Party employed in any Ship or Vessel, in the Hands of a Person on board thereof and connected therewith.

Offenders removing from the Bounds of Police, how to be proceeded against.

CCCLV. That Warrants granted by the Magistrate for apprehending or citing Persons charged under this Act with having committed Crimes and Offences, or for citing Witnesses for the Prosecutor or accused Parties, when such Persons or Witnesses are beyond the Jurisdiction of the Magistrates of Police, shall be sufficient for apprehending or citing the Offenders and Witnesses within *Scotland*, and for conveying such Offenders as shall be taken into Custody in Terms of the Warrant to be dealt with according to Law, without the Necessity of such Warrants being backed or indorsed by any Magistrate other than the Sheriff of the County within which the same shall be so granted: Provided always, that the said Warrants shall be executed against the Persons therein mentioned, and the Witnesses shall be cited by a Constable acting under the Authority of this Act.

In certain Cases Offenders may appear by Agent or other Party.

CCCLVI. That when any accused Person summoned to answer to any Complaint charging an Offence inferring merely the Payment of a pecuniary Penalty, and the finding of Caution as aforesaid, shall, from Indisposition or other good Cause, fail to attend at the Time and Place to which he shall have been cited, and for whom there shall appear a Procurator, Agent, or other Party duly authorized by such Person to act for him, it shall be lawful for the Magistrate, on such Procurator, Agent, or other Party admitting the Charge, or Part thereof, to pronounce Judgment, and fine such accused Person, and to ordain him to find Caution as aforesaid: Provided always, that in every such Case the Sentence shall bear that the Offence complained of, or such Part thereof as was admitted, was proved by the Confession of the Person charged in the Complaint.

CCCLVII. That

Jurisdiction of Police Courts.

Examination of Witnesses.

CCCLVII. That where from the Absence of Witnesses for the Prosecutor in any Complaint, or from any other Cause, it becomes necessary to adjourn the Diet, and where Witnesses for the Accused in such Prosecution are in attendance, it shall be lawful for the Magistrate, at the Request of the accused Person, and if the Magistrate in the Circumstances shall deem it proper, to take the Evidence of the Witnesses for the Accused before the Proof for the Prosecution has been led or concluded; but the Accused shall in all such Cases be entitled to lead additional Evidence after the Prosecutor's Case has been concluded.

Penalty in case of Witnesses failing to appear.

CCCLVIII. That if any Person who shall be summoned as a Witness to give Evidence before the Magistrate, either on the Part of the Prosecutor or the Person accused, shall fail to appear at the Time and Place for that Purpose appointed, without a reasonable Excuse for such Failure, the Magistrate may cause such Person to be apprehended and committed to Prison until he finds Security to appear and give Evidence; and if such Person shall not be apprehended until after the Case on which he had been summoned to give Evidence has been disposed of by the Magistrate, and it shall be made to appear that his Non-compliance arose from a Desire on his Part to defeat the Ends of Justice, such Person so offending shall for every such Offence be liable to a Penalty not exceeding Five Pounds, or to be imprisoned for any Period not exceeding Thirty Days: Provided always, that Proof on Oath shall be made that he had been duly summoned at least Twenty-four Hours before the Meeting of the Diet of Court.

Penalty in case of Witness refusing to give Evidence.

CCCLIX. That if any Person summoned as a Witness to give Evidence before the Magistrate, and appearing, shall refuse to be sworn or examined upon Oath, or in case of a Quaker or other Person privileged by Law to be examined upon solemn Affirmation, or after having been sworn or having undertaken to affirm, shall refuse to give Evidence touching or concerning the Subject Matter of Complaint, the Magistrate shall cause such Person to be committed to Prison for any Period not exceeding Thirty Days.

Witnesses prevaricating may be punished summarily.

CCCLX. That if any Person, when under Examination on Oath or solemn Affirmation before the Magistrate, shall prevaricate, or wilfully conceal the Truth, it shall be lawful to the Magistrate, in open Court, and in a summary Manner, to adjudge the Person so offending to Imprisonment for any Term not exceeding Thirty Days; and the Sentence awarding such Imprisonment shall set forth the Nature of such Offence; and if any Person, when under Examination on Oath or solemn Affirmation as aforesaid, shall wilfully or corruptly give

Jurisdiction of Police Courts.

give false Evidence touching any Matter or Thing relating to the Case, or shall wilfully or corruptly swear or affirm any Matter or Thing which shall be false or untrue, although the Evidence be not recorded, every Person so offending, on being duly convicted thereof, shall be subject and liable to such Pains and Penalties as by Law Persons guilty of wilful and corrupt Perjury are liable to; and it shall be lawful to the Magistrate to transmit such Person for Trial to a higher Criminal Tribunal, and for that Purpose to grant Warrant for his Imprisonment until disposed of according to Law.

In default of paying Fines Parties to be imprisoned.

CCCLXI. That in case any pecuniary Penalty authorized by this Act shall not be immediately paid or consigned in manner after mentioned, it shall be lawful to sentence the Person found liable in the same to be imprisoned till such Penalty be paid; but in no Case shall the Period of Imprisonment exceed Thirty Days.

Power to order Offenders to find Caution in lieu of Imprisonment or Fine;

CCCLXII. That it shall be lawful for the Magistrate, in lieu of any Punishment by Imprisonment or Fine, to ordain any Offender to find Caution for good Behaviour, or for keeping the Peace, for any Period not exceeding Twelve Months, and under a Penalty not exceeding Twenty Pounds; and in the event of such Person being detained for Want of such Caution, it shall be lawful to sentence the Person ordained to find such Caution to be imprisoned till Caution be found; but in no Case shall the Period of Imprisonment exceed Thirty Days.

or to find Caution in addition to Imprisonment or Fine.

CCCLXIII. That in every Case where an accused Party has been sentenced to Imprisonment, or to pay a Fine or pecuniary Penalty, in either of which Sentences the Period of Imprisonment specified does not extend to the Term of Thirty Days, it shall be lawful for the Magistrate in addition to such Sentence to ordain the Offender to find Caution as aforesaid from and after the Expiry of the Term of Imprisonment, or from and after the Payment of the Fine or pecuniary Penalty specified in the said Sentence, or from and after the Expiry of the Term of Imprisonment for Nonpayment thereof; and in case such Caution should not then be found it shall be lawful to sentence the Person ordained to find such Caution to be further detained in the said Prison beyond the Expiry of the said Term of Imprisonment until such Caution be found; but in no Case shall the whole Period of Imprisonment, including the Period of Detention for not finding such Caution, exceed Thirty Days.

Warrant of Commitment.

CCCLXIV. That in all Cases where Imprisonment takes place under the Powers of this Act a short Extract of the Charge and Sentence,

Sentence, certified by the Clerk or his Depute, shall be a sufficient Warrant of Commitment.

Jurisdiction of Police Courts.

CCCLXV. That it shall be lawful for the Magistrate, in the Case of juvenile Male Offenders whose Age in the Opinion of the Magistrate shall not exceed Fourteen Years, instead of committing such Offenders to Prison, to adjudge them to be chastised by private Whipping, in such Manner and according to such Regulations as shall be made by the Magistrates and Sheriff.

Juvenile Male Offenders may be chastised by whipping.

CCCLXVI. That it shall be lawful for the Magistrate to order all Goods and Effects, of whatever Kind or Description, which may have been stolen, fraudulently obtained, or disposed of in breach of Trust, within the Burgh, and taken possession of by Officers acting in virtue of the Powers hereby conferred, and which it may be no longer necessary to detain for the Purpose of Evidence, to be restored to the proper Owners, upon *vivâ voce* Evidence being adduced to the Satisfaction of the Magistrate that such Goods were so stolen, fraudulently obtained, or disposed of in breach of Trust, whether the Offenders have been secured and punished or not, and that without any other Form or Process of Law whatsoever.

Articles stolen, &c. may be restored.

CCCLXVII. That in Cases of Contempt of Court, or of resisting, assaulting, or obstructing the Officers of the Law when in attendance on the Police Court, it shall be competent for the Magistrate, either of his own Motion summarily, and without the Necessity of a Complaint or other Procedure, to punish the Offender by a written Sentence, specifying the Offence, and inflicting a Fine not exceeding Three Pounds, or Imprisonment for any Period not exceeding Twenty Days, or to direct the Offender to be prosecuted after the ordinary Form at the Instance of the Superintendent of Police, in which Case the same Forms shall be observed and the same Punishment may be inflicted as in the Case of other Offences before the Magistrate: Provided always, that when the Magistrate proceeds to punish summarily he shall cause a Record to be kept containing a Statement of the Facts which may have led to such Punishment.

Offenders may be punished summarily for Contempt of Court.

CCCLXVIII. That it shall be lawful for the Magistrate, without the Necessity of any Complaint, to direct the Superintendent of Police to dismiss any Constable under him whose Conduct in any Proceedings that shall form the Subject of Investigation before the Magistrate shall, in the Opinion of the Magistrate, render such Constable unfit to be any longer retained in the Police Establishment, and such Constable shall be dismissed accordingly.

Police Officers may be dismissed by the Magistrate.

Jurisdiction of Police Courts.

Proceedings not to be void for Want of Form, and Judgments to be final.

CCCLXIX. That no Order, Judgment, Record of Conviction, or other Proceeding whatsoever, concerning any Prosecution instituted before the Magistrate by virtue of this Act, shall be quashed or vacated for any Misnomer or Informality; and all Judgments and Sentences pronounced by the Magistrate shall be final and conclusive, and not subject to Suspension or Advocation or Appeal, or any other Form of Review or Stay of Execution, unless on the Ground of Corruption, Malice, or Oppression on the Part of the Magistrate, or of such Deviations in point of Form from the statutory Enactments as the Court of Review shall think took place wilfully, or of Incompetency, including Defect of Jurisdiction of the Magistrate; and which Suspension or Advocation or Appeal, or Review or Stay of Execution, must be presented to the High Court of Justiciary within Fourteen Days after the Date of the Sentence complained of.

No Stay of Execution to prevent Payment of Penalties.

CCCLXX. That no Suspension or Stay of Execution of any Sentence pronounced by the Magistrate, in so far as concerns any Penalty, shall be competent to the Effect of preventing immediate Payment to the Clerk, or Consignation of the Amount of the said Penalty; and the Person against whom such Sentence shall be pronounced, if in Custody at the Time, shall be so kept, and if not in Custody at the Time shall immediately be taken into Custody, and so kept till the said Penalty be paid, and if the same be not immediately paid or consigned such Person shall be committed to Prison till liberated in manner herein mentioned; reserving nevertheless to any Person having paid or consigned such Penalty, if he shall consider himself aggrieved, to seek Redress as is herein-before provided; and in all Cases of Prosecution before the Magistrate under this Act it shall be lawful for the Magistrate whose Sentence shall be brought under Review in another Court to authorize the Expenses incurred in the Proceedings in such other Court to be defrayed out of the Assessment authorized to be levied for the General Purposes of this Act: Provided always, that at the first Meeting of the Commissioners after any such Sentence shall have been brought under Review as aforesaid the Procurator Fiscal or Superintendent of Police shall make a Report of the Facts and Circumstances of the Prosecution on which any such Sentence shall have been pronounced and brought under Review, and the Commissioners shall thereupon direct such Sentence so brought under Review to be defended or not, as to them shall seem proper; and if they shall direct such Sentence not to be defended, then no Expenses incurred in such Action by such Procurator Fiscal or Superintendent of Police subsequent to such General Meeting shall be defrayed out of the said Assessments.

CCCLXXI. That

CCCLXXI. That all Forfeitures, Penalties, and Fines imposed by the Magistrate, and recovered, shall be paid to the Clerk, and shall be accounted for by him once every Month, or at such other Time or Times, as the Commissioners may direct, to the Collector, to be disposed of as herein mentioned; and the Procurator Fiscal is hereby directed, on the First *Monday* of every Month, to intimate to the Collector the Amount of the Forfeitures, Penalties, and Fines imposed in the previous Month.

Jurisdiction of Police Courts.

Fines to be paid to the Clerk.

CCCLXXII. That the whole Forfeitures, Penalties, and Fines imposed by the Magistrate, and paid by the Clerk, shall be applied in Payment of the Expenses incurred in alimenting Prisoners detained in Custody in the Police Office or Station Houses: Provided always, that if such Forfeitures, Penalties, and Fines shall not be sufficient for these Purposes, whatsoever further Sum may be required shall be paid from the Assessment authorized to be levied for the General Purposes of this Act; and if such Forfeitures, Penalties, and Fines shall be more than sufficient for these Purposes, the Surplus shall form Part of the Funds for the General Purposes of this Act.

Application of Penalties.

CCCLXXIII. That when any Person shall be apprehended, and afterwards liberated on finding Bail for his Appearance, and shall fail to appear, or when any Person who shall have found Caution for good Behaviour, or for keeping the Peace, as aforesaid, shall commit a new Offence inferring Forfeiture of such Caution, it shall be lawful for the Magistrate to declare the Sum contained in the Bail Bond or Bond of Caution to be forfeited, and to order the Cautioner to be summoned to make Payment thereof to the Clerk, within Six Days after the Date of such Citation, and in default of such Payment, after the Lapse of such Period, to grant Warrant for apprehending and imprisoning the Cautioner till the said Sum be paid, but which Period of Detention shall not exceed Thirty Days from the Time of Incarceration, and after such Imprisonment no further Procedure against the Cautioner shall be competent on the Bond; and when any Money or other Article shall be deposited by any Person as a Security for his Appearance, and such Person shall fail to appear, it shall be competent to the Magistrate to declare such Deposit to be forfeited; and if it be Money, it shall be forthwith ordered by the Magistrate to be paid to the Clerk; and if it be not Money, such Article so deposited shall be ordered by the Magistrate to be sold by public Auction, and the free Proceeds shall be paid to the Clerk, and in both Cases accounted for by him along with the Forfeitures, Penalties, and Fines to the Collector, and applied in the same Way and Manner as Forfeitures, Penalties, and Fines are by this Act directed to be applied.

For Recovery of forfeited Bail Bonds and Bonds of Caution.

CCCLXXIV. That

Jurisdiction of Police Courts.

Cautioners in Bonds.

CCCLXXIV. That any Bail Bond or Bond of Caution, the Cautioner in which is unable or shall declare he is unable to subscribe his Name, shall be valid and effectual if such Cautioner shall adhibit to such Bond his Mark in Presence of Two Witnesses, who shall subscribe the said Bond in testimony thereof.

Assessments in Burghs.

Assessments in Burghs having no Revenues.

CCCLXXV. And be it enacted, That it shall be lawful for the Magistrates and Councils of Parliamentary Burghs in which there are no Means or no adequate Means of defraying the necessary Expenses of their Municipal Establishments and other Expenses attending the Administration of the Affairs of such Burghs respectively, to assess all Occupiers of Premises within such Burghs respectively valued at Three Pounds or upwards of yearly Rent in the Sums necessary for defraying the Expenses of such Municipal Establishments and Administration aforesaid, but in no Case to an Amount exceeding Threepence in the Pound of the yearly Rent of such Premises; and such Assessment shall be imposed, levied, and recovered in such and the like Manner, from the same Descriptions of Persons and Property, and under the like Provisions and Exceptions, as the Assessments leviable under this Act for other Purposes are authorized to be imposed, levied, and recovered by the Commissioners.

Burghs maintaining Police to be exempted from County Assessment.

CCCLXXVI. And be it enacted, That no Burgh in which a Police is maintained by Assessment upon such Burgh under the Provisions of this Act shall be liable for any Assessment for the Police Purposes of the County in which such Burgh is situated, anything in any Act or Acts of Parliament to the contrary notwithstanding.

Incapacitated Persons authorized to sell.

CCCLXXVII. And be it enacted, That it shall and may be lawful for all Corporations, Trustees, Heirs of Entail, Tutors or Curators for Infants, Minors, furious or fatuous Persons, and married Women, and to and for every other Person or Persons whomsoever, though under any legal Disability or Incapacity of any kind whatever, who are or shall be seised or possessed of or interested in any Lands or other Heritages, whether held in Fee Simple or under Entail, which may be necessary for the Purposes of this Act, to contract and agree with the Commissioners for the Sale of, and to sell and convey to the Commissioners, all or any of such Lands or other Heritages, or any Part thereof, for the Purposes of this Act; and all such Contracts, Agreements, Sales, and Conveyances shall be valid and effectual in Law to all Intents and Purposes, any Law, Statute, Usage, or any Matter or Thing, to the contrary notwithstanding; and all and every such Corporation, Trustee, Heir of Entail, Tutor or Curator, married Woman, and other Person, is, are, and shall be hereby indemnified for what they shall do by virtue and in pursuance of this Act.

CCCLXXVIII. And

CCCLXXVIII. And be it enacted, That if any Monies shall be agreed to be paid for any Lands or Heritages purchased, taken, or used for the Purposes of this Act, which shall belong to any Corporation, married Woman, Infant, Lunatic, or Person or Persons under any Disability or Incapacity, or as a Recompence for Damages caused thereby, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into a chartered or other Bank, and without Fee or Reward; and such Money shall be applied, under the Direction and with the Approbation of the Court of Session, to be signified by an Order made upon a summary Petition to be preferred by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands or Heritages, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Incumbrance, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands or Heritages, or affecting other Lands or Heritages standing settled to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands or Heritages, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Lands or Heritages which shall be so purchased, taken, or used as aforesaid stood settled or destined, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking effect; and in the meantime, and until such Purchases shall be made, the Interest or annual Produce of such Money shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands and Heritages so hereby directed to be purchased, in case such Purchase or Settlement were made.

Application of Compensation Money amounting to 200*l.*

CCCLXXIX. And be it enacted, That if any Money so agreed to be paid for any Lands or Heritages purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall amount to or exceed the Sum of Twenty Pounds, then and in all such Cases the same shall (at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands or Heritages so purchased, taken, or used, or of his, her, or their Guardian or Guardians in case of Infancy or Lunacy, to be signified in Writing under their respective Hands,) be paid into one of the said Banks, and shall be ordered to be applied in manner herein-before directed; or otherwise the

Application when less than 200*l.* and not less than 20*l.*

the same shall be paid, at the like Option, to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by the Commissioners, (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties,) in order that such Principal Money and the Interest arising thereon may be applied in any Manner herein-before directed, so far as the Case may be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court.

Application where less than 20*l.*

CCCLXXX. And be it enacted, That where such Money so agreed or awarded to be paid as last before mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person who would for the Time being have been entitled to the Rents and Profits of the Lands or Heritages so purchased, taken, or used for the Purposes of this Act, in such Manner as the Commissioners shall think fit, or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of not making out Titles, the Court may order Payments and Expenses.

CCCLXXXI. And be it enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be payable as aforesaid shall refuse to accept the same, or shall not be able to make good a Title to the Premises to the Satisfaction of the Commissioners, or in case the Person or Persons to whom any such Sum or Sums of Money shall be so payable as aforesaid cannot be found, or if the Person or Persons entitled to such Lands or Heritages be not known or discovered, then and in every such Case it shall and may be lawful for the Commissioners, or any Two or more of them, to pay the Sum and Sums of Money so payable as aforesaid into one or other of the said Banks, as the Case may be, to the Credit of the Parties interested in the said Lands or Heritages, describing them, if they are known, and if they are not known, then generally to the Credit of the Parties interested in the said Lands or Heritages, without any Description of them, subject to the Order, Control, and Disposition of the Court of Session; which said Court, or either of the Divisions thereof, on the Application of any Person or Persons making claim to such Sum or Sums of Money, or any Part thereof, by summary Petition, shall be and are hereby empowered to make such Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of such Bank who shall receive such Sum or Sums of Money is and are hereby required to give a Receipt or Receipts for the same, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons

sons as shall pay any such Sum or Sums of Money into such Bank or Banks as aforesaid.

Where Questions arise touching the Title to any Money.

CCCLXXXII. And be it enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into any such Bank as aforesaid, in pursuance of this Act, for the Purchase of any Lands or Heritages, or of any Estate, Right, or Interest in any Lands or Heritages to be purchased in pursuance thereof, or to any Interest of such Money, the Person or Persons who shall have been in possession of the Lands or Heritages at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands or Heritages, according to such Possession, until the contrary shall be shown to the Satisfaction of the said Court of Session; and the Interest of such Money, and also the Principal Sums, shall be paid, applied, and disposed of accordingly, unless it shall be made to appear to the said Court that such Possession was a wrongful one, and that some other Person or Persons was or were lawfully entitled to such Lands or Heritages, or to some Estate or Interest therein.

Court may order Payment of Expenses in certain Cases.

CCCLXXXIII. And be it enacted, That where, by reason of any Disability or Incapacity of the Person or Persons or Corporation entitled to any Lands or Heritages to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into any of the said Banks, and to be applied in the Purchase of other Lands or Heritages, to be settled to the like Uses, in pursuance of this Act, it shall be lawful for the said Court of Session to order the Expenses of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expenses as the said Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Commissioners, who shall from Time to Time pay such Sum or Sums of Money for such Purposes as the said Court shall direct.

Rights of Heritable Property how to be taken.

CCCLXXXIV. And be it enacted, That the Rights of all Heritable Property to be acquired in the Execution of this Act shall be taken in favour of the Clerk of the Commissioners for the Time, and his Successors in Office; and such Rights shall be sufficient for vesting the Subjects in the Commissioners and their Successors in Office; and all Contracts, Agreements, Sales, and Conveyances, or other Deeds or Writings constituting such Right, may be made according to the following Form:

Form of Conveyance.

'I *A.B.* in consideration of to me
' paid [*or* in consideration of the annual Rent of

' to

'to me to be hereafter paid by yearly or half-yearly Payments, as 'may be agreed on,] by the Commissioners of Police for the Burgh 'of do hereby grant, dispone, and convey to 'as Clerk, to and for behoof of the said Commissioners, and his 'Successors in Office, all and whole [*describing the Premises to be 'conveyed*], and all my Right, Title, and Interest to the same, to 'be holden by the said Commissioners and their Successors for ever, 'by virtue of an Act [*specify this Act*]. In witness whereof I have 'subscribed these Presents, written by this 'Day of in the Year of our Lord before 'these Witnesses [*here insert Witnesses Names and Designations*].' Which said Conveyance, being registered in the Register of Sasines of the Burgh or of the County respectively in which the Premises conveyed shall be situated, and which the respective Keepers of the Registers are hereby authorized and required to register, shall receive the same Effect and be as valid and effectual to all Intents and Purposes as if a formal Disposition had been executed, and followed by Sasine recorded according to the Form of the Law of *Scotland*, any Law, Statute, or Practice to the contrary notwithstanding.

Where any Act or Decision, &c. declared final, the same shall not be reviewable.

CCCLXXXV. And be it enacted, That wherever any Act, Decision, Determination, Declaration, or Deliverance of any Sheriff or Magistrate, or Preses of a Meeting, Commissioner or Commissioners, or other Person whatever, is by this Act declared to be final, the same shall not be subject to be set aside or reviewed or affected by any Court or Judicature, upon any ground or in any manner of way whatever.

Burghs which have adopted the Act 3 & 4 W. 4. c. 46. may adopt this Act, and thereafter the said Act shall cease to apply.

CCCLXXXVI. And be it enacted, That any Burgh which has already adopted, in whole or in part, the Powers and Provisions of the said first-recited Act, may, notwithstanding, adopt this Act, in whole or in part, in the Manner hereby authorized; but from and after the Date of the Adoption of this Act, in whole or in part, by such Burgh, the said first-recited Act shall cease to apply thereto, and shall, as regards such Burgh, be thenceforward held as repealed, and it is hereby, from and after such Date, as regards such Burgh, repealed accordingly.

Burghs having Local Acts may adopt this Act, and thereupon Local Acts to be repealed.

CCCLXXXVII. And be it enacted, That any Burgh or Place possessed of any Local Act or Acts of Parliament for the Purpose of regulating the Police thereof, or for paving, draining, cleansing, lighting, or improving the same, may, notwithstanding, adopt this Act, in whole or in part, in the Manner hereby authorized; and from and after the Date of the Adoption of this Act, in whole or in part, by such Burgh or Place, such Local Act or Acts shall cease to apply to

or

or be in operation in such Burgh or Place, and shall as regards such Burgh or Place be held as repealed; and all such Local Acts are hereby, from and after such Date, as regards such Burgh or Place, repealed accordingly, in so far only as regards the Subject Matter adopted in such Burgh under this Act.

CCCLXXXVIII. Provided always, and be it enacted, That when this Act shall be adopted, in whole or in part, in any Burgh which had previously adopted, in whole or in part, the Powers and Provisions of the said first-recited Act, or in any Burgh or Place which had previously possessed a Local Act or Acts as aforesaid, all Bonds, Contracts, Covenants, Agreements, and Securities made and entered into, and all Assessments imposed or to be imposed under and by virtue of such first-recited Act, or of such Local Act or Acts, in so far as regards anything done under such Acts or any of them previous to the Adoption of this Act, shall remain in full Force and Effect, and shall continue available and binding on all concerned; and nothing herein contained shall be construed to affect the Debts, Rights, or Claims of any Creditor under such first-recited Act, or under such Local Act or Acts; and the Officers appointed under and employed in the Execution of such first-recited Act and of such Local Act or Acts shall continue to exercise their Offices until they are respectively superseded or legally removed therefrom under the Authority of this Act.

Contracts under former Act to be saved.

CCCLXXXIX. And be it enacted, That no Jurisdiction conferred by this Act shall be held to exclude the Jurisdiction of any Court of Guild, where the Case shall, in the first instance, have been brought before or taken up by such Court of Guild.

Jurisdiction of Courts of Guild to be preserved.

CCCXC. And be it enacted, That any of the Enactments of this Act may be incorporated, in whole or in part, with any Act to be passed in the present or any future Session of Parliament; and for the Purpose of incorporating Part only of this Act with any Act hereafter to be passed, it shall be sufficient to describe the Clauses of this Act with respect to any Matter in the Words introductory to the Enactment with respect to such Matter, and to enact that the Clauses so described, or that this Act, with the Exception of the Clauses so described, shall be incorporated with such Act, and thereupon all the Clauses of this Act so incorporated shall, save so far as they are expressly varied or excepted by such Act, form Part of such Act, and such Act shall be construed as if such Clauses were set forth therein with reference to the Matter to which such Act relates.

Act may be incorporated, either in whole or in part, with any future Act.

CCCXCI. And be it enacted, That this Act may be amended or repealed by any Act to be passed during the present Session of Parliament.

Act may be amended or repealed, &c.

SCHEDULES to which this Act refers.

SCHEDULE (A.)

NOTICE is hereby given, That in virtue of the Powers contained in an Act passed in the Year of the Reign of Her Majesty Queen Victoria, intituled "An Act" [*specify this Act*], the Occupiers of Premises in the Burgh of [*or, where the Boundaries have been ascertained by Proceedings under this Act,* within the Boundaries following, viz., *repeat them as in the recorded Deliverance of the Sheriff,*] of the real yearly Rent or Value of £10 or upwards, are hereby required to meet upon the Day of next, at of the Clock, within when the said Act shall be laid before the Meeting, with the view of adopting it in whole or in part.

Dated at the Day of 18 .

(Signed)

E.F., Chief or Senior Magistrate,
or Sheriff [*as the Case may be*].

SCHEDULE (B.)

Form of the Book to be used at the Meeting for resolving whether this Act shall come into operation.

Adopt, or not, the Provisions of Act, in so far as respects					Qualifications of Voters.	Signatures of Voters.

SCHE-

SCHEDULE (C.)

Form of the Book to be used in the Election of Commissioners.

Names and Designations of Commissioners voted for.		Qualifications of Electors.	Signatures of Electors.
1.			

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
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ANNO DECIMO TERTIO & DECIMO QUARTO

VICTORIÆ REGINÆ.

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1850, &c., further continued.

tinued, as amended by the said recited Act of the Fourth and Fifth Years of Her Majesty's Reign, until the Thirty-first Day of *July*, One thousand eight hundred and fifty-one, or, if Parliament be then sitting, until the End of the then Session of Parliament.

Nothing in this Act to extend to Acts 7 & 8 G. 4. c. lxvi.; 9 G. 4. c. lxxx.; or 1 & 2 G. 4. c. xxxviii.

II. Provided always, and be it enacted, That nothing herein contained shall apply or extend to an Act of the Seventh and Eighth Years of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for repairing and improving the Road from* Dublin, *by* Ashbourne, *to* Slane *and* Drogheda, or to an Act passed in the Ninth Year of the Reign of King *George* the Fourth, intituled *An Act for more effectually repairing and improving the Road leading from* Lisburn *in the County of* Antrim *to the Town of* Monaghan, or to an Act of the First and Second Years of the Reign of King *George* the Fourth, intituled *An Act for repairing the Road from the Town of* Athy *in the County of* Kildare, *through the Town of* Castlecomer *in the County of* Kilkenny, *to the City of* Kilkenny, *and from the Town of* Castlecomer *to the Town of* Leighlin Bridge *in the County of* Carlow, *and from the Town of* Carlow *to the said Town of* Castlecomer.

Act may be amended, &c.

III. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

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***

Women, and Infants, in the Manner and under the Restrictions hereinafter contained, to concur in stating such Question in the Form of a Special Case for the Opinion of the said Court, and it shall also be lawful for all Executors, Administrators, and Trustees to concur in such Case.

How Lunatic may concur.

II. And be it enacted, That the Committee of the Estate of any Lunatic interested or claiming to be interested in any such Question as aforesaid may, after having been authorized in that Behalf by the Lord Chancellor, concur in such Case in his own Name and in the Name and on the Behalf of the Lunatic.

How married Women may concur.

III. And be it enacted, That a Husband interested or claiming to be interested in right of his Wife in any such Question as aforesaid may concur in such Case in his own Name and in the Name of his Wife where the Wife has no Claim to any Interest distinct from her Husband, and that a married Woman having or claiming any Interest in any such Question as aforesaid distinct from her Husband may in her own Right concur in such Case, provided that her Husband also concurs therein.

How Infant may concur.

IV. And be it enacted, That the Guardian of any Infant interested or claiming to be interested in any such Question as aforesaid may concur in such Case in the Name and on the Behalf of the Infant, unless such Guardian has an Interest in such Question adverse to the Interest of the Infant therein.

How special Guardian to be appointed for a Lunatic not found such by Commission, and for Infant.

V. And be it enacted, That it shall be lawful for the said Court, by Order to be made in the Matter of any Lunatic not found such by Inquisition, or, in the Matter of any Infant, upon the Application of any Person on the Behalf of such Lunatic, or upon the Application of such Infant, by Motion or Petition, to appoint any Person shown by Affidavit to be a fit Person, and to have no Interest adverse to the Interest of the Lunatic or Infant, to be the special Guardian of such Lunatic or Infant for the Purpose of concurring in such Case in the Name and on behalf of the Lunatic or Infant, and any such Person so appointed may lawfully so concur: Provided always, that it shall be lawful for the said Court to require Notice of such Application to be given to such Person, if any, as the Court shall think fit.

Order to appoint special Guardian of an Infant may be discharged

VI. And be it enacted, That in any Case in which any such Order as aforesaid shall have been made by the said Court in the Matter of any Infant without Notice to the Guardian of the Infant, it shall be lawful for the said Court, if it shall think fit so to do, to discharge

discharge such Order, upon the Application of such Guardian, by Motion or Petition; and the said Court, if it shall think fit, may thereupon appoint some other fit Person to be the special Guardian of such Infant for the Purpose of such Special Case, and may also give such Directions as may be necessary for substituting in such Special Case either the Name of the Guardian so applying, or of the special Guardian so appointed in lieu of the Name of the special Guardian so displaced: Provided always, that the Discharge of any Order appointing a special Guardian shall not invalidate anything which shall in the meantime have been done by such special Guardian, unless the Court shall, upon Notice to all Parties, specially so direct.

by Court if made without Notice.

VII. And be it enacted, That every such Special Case shall be entitled as a Cause between some or one of the Parties interested or claiming to be interested as Plaintiffs or Plaintiff, and the others or other of them as Defendants or Defendant; and that in the Title to such Cases Lunatics and Infants shall be described as such, and their Committees, Guardians, or special Guardians named; and that where in any such Case a married Woman is named as a Plaintiff and her Husband as a Defendant thereto, a next Friend of such married Woman shall be named in the Title to such Case.

How such Special Cases to be entitled.

VIII. And be it enacted, That every such Special Case shall concisely state such Facts and Documents as may be necessary to enable the Court to decide the Question raised thereby; and that upon the hearing of such Case the Court and the Parties shall be at liberty to refer to the whole Contents of such Documents; and the Court shall be at liberty to draw from the Facts and Documents stated in any such Special Case any Inference which the Court might have drawn therefrom if proved in a Cause.

Form of Special Case.

IX. And be it enacted, That every such Special Case to which an Infant or Lunatic is a Party by his Guardian or special Guardian shall also state how such Guardian or special Guardian was constituted; and that where any married Woman having or claiming any Interest distinct from her Husband is a Party to such Case, it shall be stated therein that she concurs in such Case in her own Right.

Special Case to state how Guardian constituted, and the Concurrence of married Women.

X. And be it enacted, That every such Special Case shall be signed by Counsel for all Parties, and shall be filed in the same Manner as Bills are filed, and that the Defendants may appear thereto in the same Manner as Defendants appear to Bills; and that no Defendant shall

Special Cases to be signed by Counsel, and filed, and Appearances to be entered

by Defendants.

shall be required to take an Office Copy of a Special Case, but an Office Copy thereof shall be taken by the Plaintiff.

After a Special Case filed, Parties to be bound by Statements after Defendants have appeared, except married Women, Infants, and Lunatics, who are not to be bound till Leave given by Court to set it down.

XI. And be it enacted, That after a Special Case shall have been filed, and the Defendants shall have appeared thereto, all the Parties to such Special Case shall be subject to the Jurisdiction of the Court in the same Manner as if the Plaintiff in the Special Case had filed a Bill against the Parties named as Defendants thereto, and such Defendants had appeared to such Bill; and upon the Special Case being filed, and Appearances entered thereto as aforesaid, all Parties to such Special Case, other than married Women, Infants, and Lunatics, shall, for the Purposes of such Special Case, be bound by the Statements therein; and that married Women, Infants, and Lunatics made Parties to a Special Case shall, for the Purposes of such Special Case, be bound by the Statements therein, when, and not before, Leave shall have been given by the Court to set down such Special Case in manner herein-after provided.

How Case to be set down for hearing.

XII. And be it enacted, That so soon as all the Defendants shall have appeared to the Special Case the same may, subject to the Provisions herein-after contained, be set down for hearing, and Subpœnas to hear Judgment issued and served according to the Practice of the said Court.

When a married Woman, Infant, or Lunatic is a Party, Application to be made to the Court for Leave to set the Case down.

XIII. And be it enacted, That when any married Woman, Infant, or Lunatic is Party to a Special Case, Application may be made to the Court by Motion for Leave to set down the same, of which Motion Notice shall be given to every Party to such Case in whom, as Executor, Administrator, or Trustee, any Property in question therein is or is alleged to be vested in trust for or for the Benefit of such married Woman, Infant, or Lunatic, and also, if such Application be not made by or on behalf of such married Woman, Infant, or Lunatic, to such married Woman and her Husband, or to such Infant, or to such Lunatic and his Committee, if any, as the Case may be; and that upon the hearing of such Motion the said Court may give Leave to set down such Case, if it shall be of opinion that it is proper that the Question raised therein shall be determined thereon, and shall be satisfied by Affidavit or other sufficient Evidence that the Statements contained therein, so far as the same affect the Interest of such married Woman, Infant, or Lunatic, are true, but otherwise may refuse such Application: Provided always, that in case the said Court, upon the hearing of such Application, shall be of opinion that it is proper that the Question raised in such Case shall be determined thereon, but shall not be satisfied that the Statements contained therein, so far as they affect the Interest of such

such married Woman, Infant, or Lunatic, are true, it shall be lawful for the said Court to refer it to One of the Masters thereof to make such Inquiries as to the Court shall seem proper, and upon further Application being made, by Motion as aforesaid, upon the said Master's Report, to give or refuse Leave to set down such Case as to the said Court shall seem fit.

Upon hearing, Court to determine Question, and make Declaration.

XIV. And be it enacted, That it shall be lawful for the said Court, upon the hearing of any such Special Case as aforesaid, to determine the Questions raised therein or any of them, and by Decree to declare its Opinion thereon, and, so far as the Case shall admit of the same, upon the Right involved therein, without proceeding to administer any Relief consequent upon such Declaration; and that every such Declaration of the said Court contained in any such Decree shall have the same Force and Effect as such Declaration would have had, and shall be binding to the same Extent as such Declaration would have been, if contained in a Decree made in a Suit between the same Parties instituted by Bill: Provided always, that it shall be lawful for the said Court, if it shall see fit so to do, before proceeding to make such Decree as aforesaid, to send any Case or Cases for the Opinion of any of Her Majesty's Courts of Common Law, reserving the Consideration of all further Directions and of the Costs, and to make such Decree as aforesaid upon such further Directions; provided also, that if upon the hearing of such Special Case as aforesaid the Court shall be of opinion that the Questions raised thereby or any of them cannot properly be decided upon such Case, the said Court may refuse to decide the same.

Proviso that a Case may be sent to Common Law Court.

Proviso that Court may refuse to decide.

Protection to be afforded to Trustees by Declaration.

XV. And be it enacted, That every Executor, Administrator, Trustee, or other Person making any Payment or doing any Act in conformity with the Declaration contained in any Decree made upon a Special Case shall in all respects be as fully and effectually protected and indemnified by such Declaration as if such Payment had been made or Act done under or in pursuance of the express Order of the said Court made in a Suit between the same Parties instituted by Bill, save only as to any Rights or Claims of any Person in respect of Matters not determined by such Declaration.

The Court may suspend the acting upon Declaration.

XVI. And be it enacted, That where any Person shall be desirous to have a Special Case re-heard, or to appeal from the Decision thereon, it shall be lawful for the said Court, upon Application for that Purpose, either at the Time of the Decree upon such Special Case being made or at any Time afterwards, and upon such Conditions, if any, as the Court shall think fit, to order that the Declaration con-

tained in such Decree shall not be acted upon for such Time as the said Court shall think just.

Special Case to be a Lis pendens, and may be registered.

XVII. And be it enacted, That the filing of a Special Case, and the entering of Appearances thereto by the Persons named as Defendants therein, shall be taken to be a Lis pendens, and may be registered under the Provisions of an Act made and passed in the Second Year of the Reign of Her present Majesty, intituled *An Act for the better Protection of Purchasers against Judgments, Crown Debts, Lis pendens, and Fiats in Bankruptcy*, in like Manner as any other Lis pendens in a Court of Equity may now be so registered, and, unless and until so registered, shall not bind a Purchaser or Mortgagee without express Notice thereof.

Mode of identifying Documents, and Court may order Production.

XVIII. And be it enacted, That any Documents referred to in a Special Case, and any Copies thereof or Extracts therefrom, identified by the Signature of the Solicitors for all Parties or of the *London* Agents of such Solicitors, may be produced and read at the hearing of such Case, without further Proof; and that it shall be lawful for the said Court, at any Time after the filing of the Special Case, and the entering of Appearances thereto by the Persons named as Defendants therein, to order any Document which may be admitted thereby to be in the Possession of any Party to such Case to be deposited and produced in such Manner and for such Purposes as the Court shall think fit.

Court, on Application of Executors or Administrators, may by Order of course direct it to be referred to a Master to take an Account of Debts and Liabilities.

XIX. And whereas it is expedient to provide Means for enabling Executors or Administrators of deceased Persons to ascertain whether there are any outstanding Debts or Liabilities affecting the Personal Estates of such Persons, without the Delay and Expense of Suits to administer such Estates: Be it therefore enacted, That it shall be lawful for the said Court, upon the Application of the Executors or Administrators of any deceased Person, by Order to be made upon Motion or Petition of course, and to be in the Form or to the Effect set forth in the Schedule hereto, with such Variations as Circumstances may require, to refer it to One of the Masters of the said Court to take an Account of the Debts and Liabilities affecting the Personal Estate of such deceased Person, and to report thereon: Provided always, that no such Order shall be made until the Expiration of One Year next after the Death of such deceased Person, or pending any Proceedings to administer the Estate of such Person, and that in case at any Time after the making of such Order any Decree or Order for administering the Estate of such deceased Person shall be made, it shall be lawful for the said Court by such Decree or Order to stay or suspend the Proceedings under such Order

Order of course on such Terms and Conditions, if any, as to the said Court shall seem just.

Master's Report may be objected to by Motion to the Court, of which Notice shall be given.

XX. And be it enacted, That it shall be lawful for any Person who may have come in before the Master under any such Order, and claimed to be a Creditor upon the Estate of the deceased Person, or to have any Demand upon such Estate by reason of any Liability, and whose Debt or Claim may not have been wholly allowed by the said Master, to apply to the said Court by Motion, of which Notice shall be given within Fourteen Days after the filing of the Master's Report, to have such Claim allowed by the Court, either wholly or partially; and it shall be lawful for the said Executors or Administrators, and for any Creditor of the deceased Person who may be authorized by special Leave of the said Court so to do, to apply to the said Court by Motion, of which Notice shall be given within the Time aforesaid, to have any Debt or Claim allowed by the said Master disallowed by the Court, either wholly or partially; and at the Expiration of Fourteen Days after the filing of the said Report the same shall, except as to any Debt or Claim as to which any such Notice as aforesaid may have been given, be absolute, as if the same had been confirmed by Order of the Court.

Proceeding of the Court on such Motion.

XXI. And be it enacted, That upon the hearing of any such Motion as aforesaid the said Court may either dismiss such Motion, or may order the Debt or Claim to which such Motion relates to be allowed or disallowed, as the Case may be, and either wholly or partially, or may direct further Inquiry or further Proceedings, by way of Action or otherwise, touching such Debt or Claim, and after such Inquiry or Proceedings may, upon further Motion, deal with such Debt or Claim as to the said Court shall seem just: Provided always, that no new Evidence shall be received by the said Court upon the hearing of any such Motion without special Leave of the said Court.

If Debts or certain Liabilities allowed, and not paid or provided for, Order may be made for Payment or Accounts.

XXII. And be it enacted, That in case any Debt or any certain Liability shall have been allowed as aforesaid, and shall not within Fourteen Days after the Report has become absolute as to such Debt or Liability, or after the same shall have been allowed by the said Court, be paid or provided for by Appropriation to the Satisfaction of the Person who has established such Liability, it shall be lawful for the said Court, by Order, to be made, in case of any Debt remaining due, upon the Application by Motion or Petition of the Person to whom the Debt remains due, and on Notice to the Executors or Administrators, and in case of any certain Liability remaining unprovided

unprovided for by Appropriation, upon the Application by Motion or Petition of the Person by whom such Liability has been established, or of the Executors or Administrators, and on Notice by the Party applying to the other of them, to order Payment of the Debts which may have been allowed and remain unpaid, and to provide for the certain Liabilities which may have been allowed and remain unprovided for, in like Manner as the same could or might have been paid or provided for in a Suit for that Purpose instituted by Bill, or to refer it to the Master to take an Account of the Debts and certain Liabilities allowed as aforesaid which remain unpaid or unprovided for, and also the usual Accounts of the Personal Estate of the deceased Person, with all usual and proper Directions; and every such Order shall have the same Force and Effect and shall be prosecuted and carried on in like Manner as a Decree in a Creditor's Suit instituted by Bill.

Court, on Application of Executors or Administrators, may direct Appropriation of Money to answer contingent Liability.

XXIII. And be it enacted, That in case any contingent Liability shall be allowed by the said Report or by the said Court, it shall be lawful for the said Court, by Order, to be made upon the Application of the Executors or Administrators, by Motion or Petition, on Notice to the Person who may have established such contingent Liability, to order such Sum of Money, Part of the Estate of the deceased Person, as to the said Court shall seem just, to be set apart and appropriated for answering such contingent Liability, and to give such Directions as the said Court shall think fit touching the Payment of such Sum of Money into Court, and the Investment thereof, and the Payment, Application, or Accumulation of the Interest or Dividends thereof in the meantime and until the same shall be required to answer such Liability, and when such Liability shall be ascertained or determined to give such Directions as to the Payment of such Sum out of Court as the said Court shall deem right: Provided always, that no Order to be made as aforesaid shall in any Manner bind the Assets so appropriated as against the Persons entitled to the Estate of the Deceased subject to the contingent Liability; and any Person interested in such appropriated Assets may apply to the Court touching the same as he may be advised.

Court may restrain Proceedings against Executors and Administrators.

XXIV. And be it enacted, That after the filing of such Report as aforesaid it shall be lawful for the said Court, upon the Application of the Executors or Administrators of the Deceased, by Order, to be made on Motion, to restrain by Injunction any Proceedings at Law against them by any Person having or claiming to have any Demand upon the Estate of the Deceased by reason of any Debt or Liability, other than the Persons who may have established contingent Liabilities

ities under the said Order for which no Appropriation may have been made.

Protection to be afforded to Executors and Administrators.

XXV. And be it enacted, That in case no Debt or Liability, or no Debt or Liability other than a contingent Liability, shall have been allowed as aforesaid, or in case any Debt or Liability other than as aforesaid shall have been allowed as aforesaid, then after the same shall have been paid or provided for by Appropriation as aforesaid, all Payments made by the Executors or Administrators, or any of them, on account of the Estate of the deceased Person, and all Dispositions of such Assets made by them or any of them on account of such Estate, shall, as against all Persons having or claiming to have any Demand upon such Estate by reason of any Debt or Liability, other than Persons who may have established under the said Order any contingent Liability for which no such Appropriation as aforesaid may have been made, be as good and effectual as if the same had been made under a Decree of the said Court: Provided always, that nothing herein contained shall in any Manner affect or prejudice the Rights of any Creditor or other Person having any Demand or Claim upon the Estate of the Deceased against any Assets so paid or disposed of, or against the Persons to whom such Payment or Disposition may have been made, or against any Assets appropriated under the Provisions of this Act, and the Appropriation of which, if made under a Decree of the said Court in a Suit to which he was not a Party, would not have been binding upon him.

Notwithstanding Provisions of 3 & 4 W. 4. c. 94., Judges of the Court may hear and determine Applications mentioned in Act, if they think fit.

XXVI. And whereas by an Act passed in the Third and Fourth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for the Regulation of the Proceedings and Practice of certain Offices of the High Court of Chancery in* England, it is enacted, "That the Masters in Ordinary of the High Court of "Chancery shall hear and determine all Applications for Time to "plead, answer, or demur, and for Leave to amend Bills, and for "enlarging Publication, and all such other Matters relating to the "Conduct of Suits in the said Court as the Lord Chancellor, with "the Advice and Assistance of the Master of the Rolls and Vice "Chancellor, or One of them, shall by any General Order or Orders "direct, in such Manner and under such Rules and Regulations "as by any General Order or Orders, to be also issued by the "Lord Chancellor, with the Advice and Assistance aforesaid, shall "be directed, and that it shall be lawful for either Party to appeal "by Motion from the Order made on such Application to the Lord "Chancellor, Master of the Rolls, or Vice Chancellor, and that "the Order made on such Appeal shall be final and conclusive;" and it is enacted, "That no such Application as above mentioned shall

" in future be heard by any of the Judges of the said Court of " Chancery, except on Appeal as herein-before provided :" And whereas the last-mentioned Enactment has been found to be inconvenient: Be it therefore enacted, That, notwithstanding the Provisions of the said Act, it shall be lawful for any of the Judges of the said Court to hear and determine any such Application as mentioned in the said Act in the first instance, if under special Circumstances he shall think fit so to do.

Exceptions for Scandal, Impertinence, and Insufficiency to be heard by the Court.

XXVII. And be it enacted, That all Exceptions for Scandal, Impertinence, and Insufficiency, which according to the existing Practice of the said Court are referred to the Masters of the said Court, shall not any longer be so referred, but shall be heard and determined by the said Court in the first instance.

Power for Court, notwithstanding any Rule, &c. to the contrary, to receive Proof by Affidavit.

XXVIII. And be it enacted, That, notwithstanding any Rule or Practice of the said Court to the contrary, it shall be lawful for the said Court, at the hearing of any Cause or of any further Directions therein, to receive Proof by Affidavit of all proper Parties being before the Court, and of all such Matters as are necessary to be proved for enabling the said Court to order Payment of any Monies belonging to any married Woman, and of all such other Matters not directly in issue in the Cause as in the Opinion of the said Court may safely and properly be so proved.

Certain Provisions of 53 G.3. c.24. and 5 Vict. c. 5. repealed in part.

XXIX. And be it enacted, That so much of an Act made and passed in the Fifty-third Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to facilitate the Administration of Justice*, as provides that the Vice Chancellor appointed under that Act shall have no Power or Authority to discharge, reverse, or alter any Decree, Order, Act, Matter, or Thing made or done by any Lord Chancellor, Lord Keeper or Lords Commissioners for the Custody of the Great Seal, unless authorized by the Lord Chancellor, Lord Keeper or Lords Commissioners for the Time being so to do, nor any Power or Authority to discharge, reverse, or alter any Decree, Order, Act, Matter, or Thing made or done by the Master of the Rolls, and so much of an Act made and passed in the Fifth Year of the Reign of Her present Majesty, intituled *An Act to make further Provisions for the Administration of Justice*, as provides that no Vice Chancellor appointed under the Authority of that Act shall have Power or Authority to discharge, reverse, or alter any Decree, Order, Act, Matter, or Thing made or done by any other Vice Chancellor to be appointed under that Act, not being a Predecessor in Office of such Vice Chancellor, nor any Decree, Order, Act, Matter, or Thing made or done by any Lord Chancellor,

cellor, unless authorized by the Lord Chancellor so to do, nor any Power or Authority to discharge, reverse, or alter any Decree, Order, Act, Matter, or Thing made or done by the Master of the Rolls or the Vice Chancellor for the Time being appointed in pursuance of an Act passed in the Fifty-third Year of the Reign of His Majesty King *George* the Third, intituled *An Act to facilitate the Administration of Justice*, shall be and the same are respectively hereby repealed so far as the same respectively apply to Orders on Motion or Petition of course made by the Lord Chancellor, Master of the Rolls, or any of the Vice Chancellors; and that it shall be lawful for the Master of the Rolls and the Vice Chancellors respectively to discharge, reverse, or alter any Order made on Motion or Petition of course by any other of them, or by the Lord Chancellor.

Power to Lord Chancellor, &c. to make General Rules and Orders from Time to Time.

XXX. And be it enacted, That it shall be lawful for the Lord Chancellor, with the Advice and Consent of the Master of the Rolls and any One or more of the Vice Chancellors, from Time to Time to make, rescind, and alter General Rules and Orders for better enabling the Opinion of the said Court to be obtained on Special Cases, and for effectuating the Purposes of this Act as to the Debts and Liabilities of deceased Persons, and for making any Provisions which may be or be deemed necessary or proper as to Amendment, Revivor, and supplemental Matter or Relief, and as to Costs of any Proceedings under or in pursuance of this Act, and for regulating the Times and Form and Mode of Procedure, and generally the Practice of the said Court in respect of the Matters to which this Act relates, and every of them, and so far as may be found expedient for altering the Course of proceeding herein-before prescribed in respect to such Matters or any of them.

Rules and Orders to be laid before Parliament, and to be binding from the Time appointed, or from the making, unless objected to by Vote of either House of Parliament.

XXXI. And be it enacted, That all such General Rules and Orders shall be laid before both Houses of Parliament, if Parliament shall be then sitting, immediately upon the making and issuing the same, or, if Parliament shall not be then sitting, then within Five Days after the next Meeting thereof; and that every such Rule or Order shall from and after the Time in that Behalf to be appointed by the Lord Chancellor, with such Advice and Consent as aforesaid, and if no Time shall be so appointed, then from and after the making thereof, be binding and obligatory on the said Court, and be of like Force and Effect as if the Provisions therein contained had been expressly enacted by Parliament: Provided always, that if either of the Houses of Parliament shall, by any Resolution passed at any Time before such House of Parliament shall have actually sat Thirty-six Days after such Rules, Orders, and Regulations shall have been laid before such House of Parliament, resolve that the whole or any Part of such

Rules

Rules or Orders ought not to continue in force, in such Case the whole or such Part thereof as shall be so included in such Resolution shall from and after such Resolution cease to be binding and obligatory on the said Court; provided also, that no such Rule or Order as aforesaid shall by virtue of this Act be of the like Force and Effect as if the Provisions therein contained had been expressly enacted by Parliament, unless the same shall be expressed to be made in pursuance of this Act; and that every such Rule or Order so expressed to be made in pursuance of this Act which shall not be laid before both Houses of Parliament within the Time by this Act limited for that Purpose shall from and after the Expiration of such Time be absolutely void and of no Effect.

Rules and Orders not laid before Parliament within Time limited to be void.

Until Rules or Orders are made, and if not applicable when made, Practice to be according to this Act and Practice of the Court.

XXXII. And be it enacted, That in the meantime and until any such General Rules or Orders shall be made, and in so far as the same, when made, shall not be applicable, the Proceedings under this Act shall be governed and regulated by the Provisions herein contained so far as the same extend, and in so far as the same do not extend shall, as well with respect to the Persons who ought to be made Parties to Special Cases as in every other respect, be governed and regulated by the Rules, Orders, and Practice of the said Court in Suits instituted by Bill, so far as the same can be applied thereto; and, subject to such General Rules and Orders as aforesaid, the Costs of all Proceedings under this Act shall be in the Discretion of the said Court.

Decrees and Orders to be subject to Appeal, &c.

XXXIII. And be it enacted, That all Decrees and Orders made under the Provisions of this Act shall be subject to Re-hearing, Appeal, and Review, and may be discharged and varied, in the same and the like Manner as Decrees and Orders of the said Court made in Suits instituted by Bill.

Interpretation of Terms.

XXXIV. And be it enacted, That the following Words and Expressions in this Act shall have the several Meanings hereby assigned to them, unless there be something either in the Subject or in the Context repugnant to such Construction:

Words importing the Singular Number only shall include the Plural Number, and Words importing the Plural Number only shall include the Singular Number:

Words importing the Masculine Gender only shall include Females:

The Expression "Lord Chancellor" shall mean and include the Lord Chancellor, Lord Keeper and Lords Commissioners of the Great Seal of the United Kingdom for the Time being:

The Word "Master" shall mean Master in Ordinary of the High Court of Chancery in *England*:

The

The Word "Lunatic" shall include Idiots and Persons of unsound Mind, and whether found such by Inquisition or not:

The Word "Guardian" shall mean Father or testamentary Guardian, or Guardian appointed by the Court of Chancery (not being a special Guardian appointed under the Provisions of this Act).

XXXV. And be it enacted, That this Act shall commence and take effect from and after the First Day of *November* One thousand eight hundred and fifty. Commencement of Act.

XXXVI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament. Act may be amended, &c.

SCHEDULE referred to by the foregoing Act.

[*Date.*]

In the Matter of *A.B.* late of in the County of Banker [*or as the Case may be,*] deceased.

Upon Motion this Day made unto this Court by Mr. of Counsel for *C.D.* of the Executor [*or* Administrator] of the above-named *A.B.* [*or* upon the humble Petition of *C.D.* of the Executor (*or* Administrator) of the said *A.B.*, this Day preferred unto the Right Honourable the Master of the Rolls for the Reasons therein contained], it is ordered, That it be referred to the Master of this Court in rotation to take an Account of the Debts and Liabilities affecting the Personal Estate of the said *A.B.*, and to compute Interest on such of the said Debts and Liabilities as carry Interest after the Rate of Interest the same respectively carry; and the said Master is to cause an Advertisement to be published in the London Gazette and such other public Papers as he shall think fit for the Persons claiming in respect of any such Debts or Liabilities to come in before the said Master, and prove their Debts and Claims, and he is to fix a peremptory Day for that Purpose; and such of the said Creditors as shall not come in and prove their Debts and Claims by the Time so to be limited are to be excluded the Benefit of this Order: And it is ordered, that the said Master do distinguish Debts from Liabilities, and Liabilities certain from Liabilities contingent: And it is ordered, that the Personal Estate of the said *A.B.* be applied in Payment and Satisfaction of such Debts and Liabilities of the said *A.B.* in a due Course of Administration; and for the better taking the said Accounts and Discovery of the Matters aforesaid the Parties are to produce before the said Master, upon Oath, all Deeds, Books, Papers, and Writings in their Custody or Power relating thereto, and are to be examined upon Interrogatories as the said Master shall direct; and any of the Parties are to be at liberty to apply to the Court as there shall be Occasion.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1850.

ANNO DECIMO TERTIO & DECIMO QUARTO

VICTORIÆ REGINÆ.

****

CAP. XXXVI.

An Act to facilitate Procedure in the Court of Session in *Scotland*. [29th *July* 1850.]

WHEREAS an Act was passed in the Fifty-fifth Year of the Reign of His Majesty King *George* the Third, intituled *An Act to facilitate the Administration of Justice in that Part of the United Kingdom called* Scotland, *by the extending Trial by Jury to Civil Causes;* and another Act was passed in the Fifty-ninth Year of the Reign of His said Majesty, intituled *An Act to amend an Act passed in the Fifty-fifth Year of the Reign of His present Majesty, intituled 'An Act to facilitate the Administration of Justice in that Part of the United Kingdom called* 'Scotland, *by the extending Trial by Jury to Civil Causes;'* and another Act was passed in the Sixth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for the better regulating of the Forms of Process in the Courts of Law in* Scotland; and another Act was passed in the Session of Parliament holden in the Eleventh Year of the Reign of His Majesty King *George* the Fourth and in the First Year of the Reign of His Majesty King *William* the Fourth, intituled *An Act for uniting the Benefits of Jury Trial in Civil Cases with the ordinary Jurisdiction of the Court of Session, and for making certain other Alterations and Reductions in the Judicial Establishments of* Scotland; and another Act was passed

55 G. 3. c. 42.

59 G. 3. c. 35.

6 G. 4. c. 120.

11 G. 4. & 1 W. 4. c. 69.

in

1 & 2 Vict. c. 118.

in the Session of Parliament holden in the First and Second Years of the Reign of Her present Majesty, intituled *An Act to make certain Alterations in the Duties of the Lords Ordinary, and in the Establishment of Clerks and Officers of the Court of Session and Court of Commissioners for Teinds in* Scotland, *and to reduce the Fees payable in those Courts:* And whereas it is expedient that the Provisions and Enactments of the said recited Acts should be in some respects altered and amended, and further Regulations established for expediting the Business of the Court of Session in *Scotland:* Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Pursuer of any Summons before the Court of Session shall set forth in such Summons, in such Way and Manner as the Court, having regard to the Forms set forth in Schedule (A.) hereunto annexed, may from Time to Time prescribe by Act of Sederunt as applicable to the various Forms of Action now in use, the Name and Designation of such Pursuer, and the Name and Designation of the Defender, and the Conclusions of the Action, without any Statement whatever of the Grounds of Action; but the Allegations in Fact which form the Grounds of Action shall be set forth in an Articulate Condescendence, together with a Note of the Pursuer's Pleas in Law, which Condescendence and Pleas in Law shall be annexed to such Summons, and shall be held to constitute Part thereof; and the Defences to such Summons shall be in the Form of Articulate Answers to such Condescendence, and, where necessary, appended thereto a Statement of the Allegations in Fact on which the Defender founds in Defence, and also a Note of the Defender's Pleas in Law.

New Form of Summons and Defences.

Record, how to be made up.

II. And be it enacted, That where Defences are lodged, and unless the Record shall be closed upon the Summons and Defences, the Record shall be made by Revisal by the Pursuer of the Condescendence annexed to his Summons, and Revisal by the Defender of his Defences; and upon the Expiration of the original or prorogated Period, as the Case may be, for lodging a revised Condescendence, if no revised Condescendence shall be lodged, and upon the Expiration of the original or prorogated Period, as the Case may be, for lodging revised Defences, if a revised Condescendence shall be lodged, or sooner if the Parties shall consent thereto, the Clerk to the Process shall transmit the same to the Lord Ordinary, and the Lord Ordinary shall appoint a Time, being within Six Days from the Date of the Process being so transmitted to him, for Parties attending him at Chambers, by their Counsel, with a view to the Adjustment and closing of the Record; and the Lord Ordinary

Ordinary may at such Meeting, or at any adjourned Meeting which he may appoint, allow or require such Alterations and Amendments to be made on the Record as to him may seem proper, and may close the Record, or appoint a Day on or before which the Record shall be closed; and if the Record shall not be closed on or before the Day fixed by such Appointment or subsequent Prorogation, the Lord Ordinary shall pronounce an Interlocutor declaring it closed accordingly.

Where Pursuer willing, Record may be closed on Summons and Defences.

III. Provided always, and be it enacted, That where the Pursuer is willing to close the Record upon the Summons and Defences without any Revisal, a Consent to that Effect may be endorsed on the Defences, and signed by Counsel; and it shall then be the Duty of the Clerk to the Process to transmit the Process forthwith to the Lord Ordinary, with a view to the Adjustment and closing of the Record as aforesaid; and the Case shall thenceforward be proceeded with in the same Way and Manner, and the same Regulations and Provisions shall thereupon apply, as in the other Cases of Transmission to the Lord Ordinary, with a view to the Adjustment and closing of the Record, herein-before mentioned: Provided always, that it shall in such Case be competent to the Lord Ordinary, upon the Motion of the Defender, and by an Interlocutor to be pronounced by the Lord Ordinary, either in Court or at Chambers, to make such Order for or with a view to Revisal as he may deem fit.

Prorogations, how to be granted.

IV. And be it enacted, That the Periods appointed for lodging any Paper, or for transmitting any Process to a Lord Ordinary, or for closing a Record, may always be prorogated by written Consent of Parties; and the Periods appointed for lodging any Paper, or for closing a Record, may always be once prorogated by the Lord Ordinary, without such Consent, on special Cause shown; and such Prorogations may be granted, of Consent as aforesaid, either before or after the Lapse of such Periods; and in every Interlocutor of a Lord Ordinary prorogating, on special Cause shown, the Time for lodging any Paper or for closing a Record, the Nature of such Cause shall be set forth, and a definite Time shall be therein fixed within which the Paper is to be lodged, or the Record closed; and it shall not be competent to the Lord Ordinary to grant such Prorogation, even upon Cause shown, oftener than once, unless such Cause shall have been allowed by the Inner House on the Report of the Lord Ordinary.

Record to be closed by Interlocutor, and no Authentication

V. And be it enacted, That it shall not be necessary, in order to the closing of a Record in any Process before the Court of Session, that the Record be authenticated by Counsel as adjusted or closed, whether

by Counsel to be necessary.

whether by Minute of Assent or otherwise, but such Record shall be closed by Interlocutor of the Lord Ordinary before whom the Process depends; and such Interlocutor shall be subject to Review of the Inner House; and the Interlocutor of the Inner House to be pronounced on such Review shall not in any Case be subject to Appeal as an Interlocutory Judgment.

Lord Ordinary may appoint closed Record to be printed.

VI. And be it enacted, That it shall not be necessary to print any Part of the Process before the closing of the Record; but when the Record is closed, if it shall appear to the Lord Ordinary to be expedient that the same should be printed while the Cause is in dependence in the Outer House, the Lord Ordinary may appoint such Number of Copies thereof as he may deem proper to be printed by the Pursuer at the mutual Expense of the Parties; and on such Appointment being made the Pursuer shall print such Copies accordingly, and upon Payment by the Defender of One Half of the whole Expense of such Printing, shall furnish to him One Half of such Copies.

Dilatory Defences in Reductions, how to be disposed of.

VII. And be it enacted, That where in a Process of Reduction the Defender is to object to the Title of the Pursuer, or to plead on an exclusive Title, or to state any other Objection against satisfying the Production, he shall in the first instance lodge Defences confined to these Points, and the Form of such Defences, and the Procedure thereon, shall be the same as in the Case of peremptory Defences in an ordinary Action; and if the Defences so lodged shall be repelled, the Defender, after the Production has been satisfied, shall give in Defences applicable to the Grounds of Reduction and upon the Merits of the Reduction, and a Record may be made up thereafter as in any ordinary Action.

Production may be satisfied on Box Day

VIII. And be it enacted, That in a Process of Reduction the Production may be satisfied either during Session or on any Box Day in Vacation or Recess.

Record to be made up in Advocations and Suspensions, after Answers are lodged, similarly to other Actions;

IX. And be it enacted, That where Answers are lodged by a Respondent in any Process of Suspension or Advocation, the Record shall thereafter be made up therein in the same Way and Manner in all respects as is directed by this Act in regard to any ordinary Action in which Defences have been lodged; and the Pursuer of such Process of Advocation or Suspension and the Respondent therein shall have severally the same Rights and Privileges as the Pursuer and Defender in such ordinary Action respectively; and the whole Provisions and Enactments of this Act in regard to the

making

making up of the Record in such ordinary Actions shall apply, as far as may be, to such Processes of Advocation and Suspension.

and in Processes of Competition, &c. as may be fixed by the Court of Session by Act of Sederunt.

X. And be it enacted, That the Procedure with respect to the making up of the Record in Processes of Competition, or other Processes to which the Provisions of this Act with respect to the making up of the Record may not be applicable, shall be conducted as at present, until regulated by the Court of Session; but the Procedure in such Actions shall be regulated by the said Court by Act of Sederunt, as soon as conveniently may be after the Date at which this Act shall take effect, in such Way and Manner as to assimilate in so far as convenient the Procedure in such Actions with respect to the making up of the Record to the Procedure by this Act provided.

Reclaiming Days limited to Ten, except for Judgments on the Merits, and Decrees in Absence.

XI. And be it enacted, That it shall not be competent to reclaim against any Interlocutor of the Lord Ordinary, at any Time after the Expiration of Ten Days from the Date of signing such Interlocutor, with the Exception only of Reclaiming Notes against Interlocutors disposing in whole or in part of the Merits of the Cause, and against Decrees in Absence, which Reclaiming Notes shall continue to be competent in like Manner as at the passing of this Act.

Reclaiming Notes during the making up of the Record prohibited, except with Leave of the Lord Ordinary.

XII. And be it enacted, That it shall not be competent to reclaim against any Interlocutor of a Lord Ordinary, not being an Interlocutor disposing of a dilatory Defence, or an Interlocutor sisting Process, or an Interlocutor disposing in whole or in part of the Merits of the Cause, pronounced before the closing of the Record: Provided always, that any Interlocutor pronounced before the closing of the Record may be reclaimed against, with the Leave of the Lord Ordinary, at any Time within Ten Days from the Date of pronouncing the same, or without the Leave of the Lord Ordinary, at any Time within Ten Days from the Date of signing the Interlocutor closing the Record.

Process may proceed, notwithstanding Reclaiming Note or Appeal.

XIII. And be it enacted, That no Reclaiming Note to the Inner House, and no Petition of Appeal to the House of Lords, in any Process before the Court of Session, shall be held to remove such Process from before the Lord Ordinary or the Court, as the Case may be, as regards any Point or Points not necessarily dependent on the Interlocutor so submitted to Review, but such Process shall, for all Purposes, and to all Effects not necessarily dependent on such Interlocutor, remain before the Lord Ordinary or the Court, as the Case may be, and shall be proceeded in by the Lord Ordinary or the Court notwithstanding such Reclaiming Note or Appeal, if it appear to the Lord Ordinary or the Court to be expedient and proper.

Lords Ordinary not to order written Argument.

XIV. And be it enacted, That it shall not be competent to the Lord Ordinary to direct Cases or Minutes of Debate or other written Argument to be prepared by the Parties, whether for the Use of himself or of the Inner House; but it shall be competent for the Lord Ordinary at any Time after hearing Parties on a closed Record to take such Cause to report to the Inner House without Cases or Minutes of Debate.

Summonses now signed by Clerk of the Court of Session may be signed by a Writer to the Signet.

XV. And be it enacted, That all Summonses in Consistorial or other Causes which are at the passing of this Act required to be signed by a Clerk of the Court of Session may be signed either by such Clerk or by a Writer to Her Majesty's Signet; and the Signature of such Writer to Her Majesty's Signet shall be in all respects equivalent to the Signature of such Clerk.

Actions of Adherence, &c. to be instituted in the Court of Session.

XVI. And be it enacted and declared, That all the Provisions of the said recited Act passed in the Session of Parliament holden in the Eleventh Year of the Reign of His Majesty King *George* the Fourth and the First Year of the Reign of His Majesty King *William* the Fourth, and of this Act, applicable to Actions of Declarator of Marriage and of Nullity of Marriage, and to Actions of Declarator of Legitimacy and of Bastardy, and to Actions of Divorce, and to Actions of Separation *à mensâ et thoro*, are and shall be applicable to Actions of Adherence, and all other Consistorial Actions, though not specially mentioned in the said recited Act.

Members of College of Justice not to institute Actions not otherwise competent.

XVII. And be it enacted, That no Member of the College of Justice shall, in respect of any Privilege as such, be entitled to institute any Action or Proceeding, either original or by way of Review, before the Court of Session which could not have been instituted by him before such Court if he had not been a Member of the College of Justice.

Summonses not to proceed on Bills, or to bear Dates except the Dates of signeting.

XVIII. And be it enacted, That it shall not be necessary that any Summons before the Court of Session shall proceed upon a Bill; and no Summons passing the Signet shall bear any Date but the Date of signeting, which shall be held to be the Date of the Summons.

Regulations as to Multiplepoindings.

XIX. And be it enacted, That in Summonses of Multiplepoinding it shall be the Duty of the Party raising such Action to state specifically in the Body of the Summons who is the real Raiser of the Action; and it shall be competent for any Number of Parties whose Claims in such Action depend upon the same Ground to state such Claims in the same Paper.

XX. And

XX. And be it enacted, That every Execution of a Summons, and every Execution of Intimation of a Note of Suspension, or of Suspension and Interdict, or of Suspension and Liberation, or of Advocation, shall be written at the End of the Summons itself, or at the End of the usual certified Copy of such Note of Suspension, or of Suspension and Interdict, or of Suspension and Liberation, or of Advocation, and, where necessary, on continuous Sheets, but not on a separate Paper; and such Execution shall be in the Form, or as nearly as may be in the Form, of Schedule (B.) hereunto annexed, which Form shall be equally valid and effectual in all respects as the longer Form of Execution at present in use.

Short Forms of Execution provided.

XXI. And be it enacted, That all Summonses before the Court of Session may proceed on Fourteen Days Warning where the Defender is within *Scotland*, unless in *Orkney* or *Shetland*, and Twenty-one Days Warning where he is in *Orkney* or *Shetland* or furth of *Scotland*, in place of the longer Induciæ required by the present Practice; and such shorter Induciæ shall also be competent and sufficient in respect to all other Letters passing Her Majesty's Signet bearing a Citation, Charge, Publication, or Service against Persons within or furth of *Scotland* respectively, and in respect to all Edictal Charges upon Decrees and registered Protests: Provided always, that in all Cases where any shorter Induciæ than the Induciæ above mentioned are at present sufficient, such shorter Induciæ shall continue to be sufficient after the passing of this Act.

Induciæ of Summonses and other Writs passing the Signet shortened.

XXII. And be it enacted, That the subsisting Forms of Edictal Citation, Charge, Publication, Citation, and Service at the Market Cross of *Edinburgh*, and Pier and Shore of *Leith*, in Processes of Ranking and Sale, and in all other Processes and Proceedings whatsoever, and also the subsisting Forms of Edictal Citations of the Minor's next of Kin at the Market Cross of the County Town or Head Burgh of the Shire where the Minor has his Lands and Goods, and of Citation of the Tutors and Curators of Minors at the Market Cross of the County Town or Head Burgh of the Shire of the Minor's Residence, shall cease and be discontinued; and in lieu thereof all such Edictal Citations, Charges, Publications, Citations, and Services shall be done and performed by Delivery of a Copy thereof at the Office of the Keeper of Edictal Citations according to the Mode established by the said recited Act passed in the Sixth Year of the Reign of His late Majesty King *George* the Fourth in regard to Persons furth of *Scotland*, and by an Act of Sederunt of the Court of Session dated the Twenty-fourth Day of *December* One thousand eight hundred and thirty-eight.

Edictal Citations regulated.

XXIII. And

Protestations for not calling and enrolling regulated.

XXIII. And be it enacted, That where Protestation shall be put up in the Minute Book of the Court of Session in reference to any Summons, Suspension, or Advocation, and Warrant is issued for Extract thereof, if it be a Protestation for not calling, such Extract shall contain a Decerniture for Three Pounds Three Shillings of Protestation Money, as Expenses, in lieu of such Sum of Protestation Money as would in that Case be inserted in the Extract according to the present Practice; and if the Protestation be for not enrolling, but after the Calling and Return of the Summons or other initial Writ, with or without Defences or Answers, as the Case may require, the Defender or Respondent shall be entitled to his just Expenses as between Party and Party; and the Auditor of Court shall tax the Account of these Expenses accordingly, as in the Case of a Decree in Absence, on Production to him of the Protestation as given out for Extract, or of a Certificate by the Keeper of the Minute Book that the same has been given out for Extract; and the Account so taxed shall be a sufficient Warrant to the Extractor to insert the taxed Amount as the just Expenses, together with the Expense of Extract, in the Extract Protestation, in lieu of the Sum at present inserted as Expenses in such Extract: Provided always, that a Pursuer may be reponed against a Protestation for not calling at any Time not later than Ten Days after the same has been given out for Extract, whether Extract shall have issued or not, by lodging with the Clerk, in order to calling, his Summons or other Writ, with the relative Documents, accompanied by the Receipt of the Agent for the Defender for the said Sum of Three Pounds Three Shillings of Protestation Money, or consigning the Money itself in the Hands of the Clerk, for the Use of the Agent for the Defender, and payable to him on Demand; and that a Pursuer may also be reponed, within the like Period, against a Protestation for not enrolling and insisting, by enrolling his Summons or other Writ in the Outer House Roll, and forthwith lodging that Writ, with the Enrolling Clerk's Certificate of Enrolment annexed, in the Hands of the Clerk, as thenceforward a depending Process, accompanied by the Receipt of the Agent for the Defender for the taxed Amount of the Protestation Money and Expense of Extract, or, in lieu thereof, consigning the Money itself in the Hands of the Clerk for the Use of such Agent, and payable to him on Demand: Provided also, that whenever a Summons or other Writ shall have been duly enrolled by the Pursuer in the Outer House Roll, whether Protestation shall have been put up or not, the same shall thenceforth become to all Intents and Purposes a depending Process, under Control of the Lord Ordinary and of the Court, until finally disposed of by Interlocutor.

XXIV. And

XXIV. And be it enacted, That the granting of Bonds De damnis et impensis by the Pursuer, and of Bonds De judicio sisti et judicatum solvi by the Defender, in Maritime Causes, before the Court of Session, shall be and the same is hereby abolished, reserving the Operation and Effect of all such Bonds bearing Date prior to the Date at which this Act shall take effect.

Granting Judicial Bonds in Maritime Causes abolished.

XXV. And be it enacted, That it shall not be necessary to obtain a formal Extract of any Commission or Diligence granted or to be granted by a Lord Ordinary or the Court in any Process or Proceeding before the Court of Session, but a Copy of the Interlocutor granting such Commission and Diligence, or one or other of them, certified by the Clerk to such Process or Proceeding, or by his Assistant, shall have the same Force, Operation, and Effect as such formal Extract according to the present Practice.

Copy of an Interlocutor granting Commission or Diligence to be equivalent to a formal Extract.

XXVI. And be it enacted, That where in Consistorial Causes either Party desires to examine Witnesses furth of the Kingdom, the Depositions of such Witnesses may be taken under a Commission to be issued by the Lord Ordinary or the Court to any Commissioner whom they may appoint, in the same Manner as in any Proof upon Commission in an ordinary Action.

Witnesses abroad may be examined in Consistorial Causes by Commission.

XXVII. And be it enacted, That in all Cases it shall be competent to appoint a Diligence to be reported on any Box Day in Vacation or Recess.

Diligences may be reported on Box Days.

XXVIII. And be it enacted, That every Act and Warrant and Decree granted or to be granted during the Dependence of a Process before the Court of Session, and which according to the present Practice might be extracted *ad interim*, if special Allowance to that Effect were granted by the Lord Ordinary or the Court, shall be extractible *ad interim* without the Necessity of such special Allowance, unless the Lord Ordinary or the Court shall otherwise direct.

Interim Decrees to be extractible without special Allowance.

XXIX. And be it enacted, That every Decree for Expenses pronounced after the passing of this Act shall be held to include a Decree for the Expense of extracting the same.

Decree for Expenses to include Expense of Extract.

XXX. And be it enacted, That where according to present Practice a Cause would require to be wakened in order to its being proceeded with, it shall be competent for either of the Parties to enrol such Cause before the Lord Ordinary in common Form in order to an Interlocutor of Wakening, and the Lord Ordinary may thereupon direct Ten Days Intimation of such Motion to be made to the known

Actions may be wakened without a Summons.

Agent of the other Party in the Cause, or to such Party himself, and also in the Minute Book of the Court of Session; and on the Expiration of Ten Days from the Date of such Intimations being made respectively, and on a Certificate being lodged in Process under the Hand of the Agent of the Party applying for such Wakening, certifying that he has duly intimated such Interlocutor in Terms thereof to the opposite Party or to his known Agent, either by Delivery to such Party or his Agent personally, or by Transmission through the Post to the known Address of such Party or Agent, of a full Copy of such Interlocutor, it shall be competent to the Lord Ordinary to hold the Cause as wakened, and the same may thereafter be proceeded with as wakened accordingly.

Transference of Action to include a Wakening.

XXXI. And be it enacted, That where any Action shall be transferred against any Party or Parties, such Transference shall include a Wakening against such Party or Parties.

In Advocations and Suspensions, if Record closed and Proof concluded in Inferior Court, Case may be taken at once to the Inner House without a Judgment of the Lord Ordinary.

XXXII. And be it enacted, That in all Cases of Advocation or Suspension which shall come to depend before the Court of Session, where a Record has been made up and closed and a Proof led and concluded before the Inferior Judge, the Lord Ordinary before whom such Advocation or Suspension is enrolled shall at the first Calling of the Cause, if a Motion to that Effect be made by either of the Parties, appoint such Record and Proof, with any other Papers which may be deemed to be necessary, to be printed and boxed for the Judges of the Inner House, and shall report the Cause to the Inner House, who shall thereupon proceed to dispose of it in the same Way and Manner as if it had been reported by the Lord Ordinary upon a closed Record prepared in the Court of Session; and the Party by whom such Motion is made shall defray in the first instance the Expense of such Printing.

Who to fix Lord Ordinary and Division in Advocations and Suspensions.

XXXIII. And be it enacted, That in every Process of Suspension of any Charge or threatened Charge, and in every Process of Suspension of a Decree, and in every Process of Interdict where Interdict has been granted in the Bill Chamber, and is unrecalled, it shall be lawful for the Respondent in such Process, so soon as the Note of Suspension, or Note of Suspension and Interdict, is passed, and at any Time not later than the Twelfth Day from the Date of the Interlocutor passing the same, or in the Case of a Suspension of a Decree not later than the Twelfth Day from the Date of the Service of the Note of Suspension and Interlocutor passing the same upon the Respondent, to fix the Lord Ordinary and Division of the Court of Session to which such Process shall belong, and that by Indorsation of the Names of such Lord Ordinary and Division on such passed Note of Suspension, or of Suspension and

and Interdict, signed by such Respondent, or his Counsel or Agent in such Process, unless where such Note of Suspension, or Note of Suspension and Interdict, has been passed on Review by or on advising with either Division of the Court, in which Case the Process shall be fixed throughout with that Division of the Court as at present; and in every Process of Advocation it shall be lawful for the Pursuer or Petitioner in the Inferior Court (except in the Case of counter conjoined Processes, or of Competitions or Advocations of Brieves) at any Time not later than the Twelfth Day from the Date of the Intimation of the Note of Advocation, and Notice of its Receipt by a Clerk of the Court of Session, to the Respondent, or not later than the Twelfth Day from the Date of the passing of the Note of Advocation, to fix the Lord Ordinary and Division of the Court to which such Process shall belong, and that by Indorsation on such Note of Advocation as aforesaid; and such passed Notes of Suspension, and of Suspension and Interdict, and of Advocation, shall, during the Period above mentioned, be always in the Custody of the Clerks of the Bills, or of the Clerk to the Process, who shall not be entitled to lend up the same to the Parties or either of them, or to part with the Custody thereof, until such Period has elapsed: Provided always, that, except in the Cases herein-before specially provided for, the Right to fix the Lord Ordinary and Division of the Court to which any Process of Suspension, or Suspension and Interdict, or Advocation, shall belong, shall remain as at the Date of the passing of this Act.

Advocations on Juratory Caution not to be proceeded with where there is no probabilis Causa.

XXXIV. And be it enacted, That where any Note of Advocation shall be presented on Juratory Caution it shall be incumbent on the Advocator to make immediate Application to the Lawyers for the Poor, for a Report that he has a *probabilis Causa litigandi*, and if the Advocator shall fail to make such Application, or if the Lawyers for the Poor shall upon such Application report their Opinion that no *probabilis Causa* has been established, the Advocation shall be dismissed with Expenses, unless full Caution be forthwith offered and found in common Form.

Provision as to one Division of the Court consulting the other.

XXXV. And be it enacted, That it shall be competent to the Judges of either Division of the Court in any Cause in which they shall be equally divided in Opinion to direct such Cause to be judged by the Inner House Judges of both Divisions, and to appoint such Cause to be heard by such Inner House Judges, either on any Sederunt Day during Session, or at any Time during the Sittings of the Lords Ordinary, either before or after the Sittings of the Two Divisions of the Court for the Winter Session; and such Cause shall thereupon be so heard and judged by the Judges of the Division of the

the Court before which the same depends, with the Addition of Three Judges of the other Division of the Court; and the Judgment shall in all Causes be pronounced according to the Opinion of the Majority of the Judges present, and the Interlocutor shall bear to be the Judgment of the Division before which the Cause depends, after consulting with the other Division of the Court; but the Lord Justice General shall always be the presiding Judge whenever his Lordship sits as a Member of the Court.

Procedure in Jury Causes to be the same, so far as is applicable, as in other Court of Session Causes.

XXXVI. And be it enacted, That in all Causes appropriated for Trial by Jury, or in the course of Preparation for Trial by Jury, before the Court of Session, the Procedure, both before and after the closing of the Record, shall be in all respects the same, so far as applicable, as in other Court of Session Causes for the Time being, except in so far as it may be otherwise provided by this Act, or by any Act of Sederunt to be passed by the said Court under the Powers by this Act conferred.

Offices of Issue Clerk and Jury Clerk abolished.

XXXVII. And be it enacted, That the Offices of Issue Clerk and Jury Clerk be and the same are hereby abolished; and in future all the Duties hitherto performed by an Issue Clerk or Jury Clerk, or by any Person acting as an Issue Clerk or Jury Clerk, and still remaining to be performed, after the Date at which this Act shall take effect may be performed by any Clerk of Session, either in the Inner or Outer House; and each Clerk of Session shall, so far as relates to all the Causes appropriated or in the Course of Preparation for Trial by Jury in or connected with his own Office, or depending before the Lord Ordinary or Division of the Court to which he is attached, be charged with all the Duties hitherto performed by an Issue Clerk or Jury Clerk, or by any Person acting as an Issue Clerk or Jury Clerk, and remaining to be performed as aforesaid.

Procedure for the Adjustment of Issues.

XXXVIII. And be it enacted, That where in the course of any Cause before the Court of Session Matter of Fact is to be determined, and an Issue is to be adjusted with reference thereto, it shall be the Duty of the Pursuer to prepare and lodge in Process the Issue he proposes, and it shall be the Duty of the Defender to prepare and lodge in Process any counter Issue required by the Nature of his Defence; and the Lord Ordinary before whom such Cause depends, after causing Issues to be prepared and lodged as aforesaid, shall forthwith appoint Parties to attend him at Chambers, or shall order the Case to the Roll, for the Adjustment of an Issue or Issues for the Trial of such Cause, or of such Matter of Fact arising therein as is to be determined by Jury Trial; and if such Issue or Issues be not adjusted and settled with the Consent of Parties at the Meeting

or Enrolment so fixed, or at a second such Meeting or Enrolment for the same Purpose, if such second Meeting or Enrolment shall be appointed by the Lord Ordinary, the Lord Ordinary shall immediately report the Matter to the Inner House, by whom such Issue or Issues shall, upon such Report, be adjusted and settled.

Engrossment of Issues abolished.

XXXIX. And be it enacted, That it shall not be necessary to engross any Issue or Issues with a view to Trial by Jury, but such Issue or Issues, when adjusted and settled as aforesaid by the Lord Ordinary or the Court, shall at the same Time be approved by Interlocutor to that Effect, and shall be signed and authenticated by the Judge as relative thereto, which Proceeding shall be equivalent to Engrossment as at present practised.

On Issues being approved of, Time and Place of Trial to be fixed.

XL. And be it enacted, That where an Issue or Issues is or are approved as aforesaid it shall be competent to the Lord Ordinary in the Cause, on the Motion of either of the Parties, to appoint a Time and Place for the Trial of such Issue or Issues, such Time being as soon after the Date of such Approval as with reference to the proper Trial of such Issue or Issues conveniently may be, and, except upon special Cause shown, not later than Three Weeks from the Date of such Motion; and such Trial shall proceed at the Time and Place so appointed, unless at the Time of such Appointment one or other of the Parties shall intimate to the Lord Ordinary that he objects thereto, in which Case the Lord Ordinary shall report the Matter to the Court, by whom it shall be fixed when and where the Trial shall proceed.

Lord Ordinary in the Cause to preside at Trial during Session.

XLI. And be it enacted, That, unless where some different Arrangement shall be made by the Court, upon Motion to that Effect, the Lord Ordinary before whom the Cause depends shall preside at the Trial of such Issue or Issues in all Cases where such Trial shall take place during the Sitting of the Court.

Lord Ordinary, &c. to have Power to summon Jury, and to appoint Cause to be tried by a Special Jury.

XLII. And be it enacted, That all the Powers and Duties in regard to the summoning of Juries for the Trial of Issues in Civil Causes at present exercised or performed by the Court of Session, or by any Division of the said Court, or by any Clerk or Clerks in Jury Causes, may be competently exercised and performed by any Lord Ordinary, or by any Clerk of Session officiating either in the Outer or Inner House; and it shall be lawful for any Lord Ordinary, in any Cause depending before the Court of Session, on the Application of either of the Parties, to appoint any Issue or Issues in such Cause to be tried by a Special Jury.

Certified Copy of the Interlocutor fixing the Trial to be the Warrant for citing Witnesses.

XLIII. And be it enacted, That a Copy of the Interlocutor fixing the Trial, certified by the Clerk to the Process or by his Assistant, shall be a sufficient Warrant to any Messenger at Arms to cite Witnesses and Havers to the said Trial, either for the Pursuer or Defender.

Counsel for each Party to be heard after Evidence closed.

XLIV. And be it enacted, That in every Trial of Issues in a Cause before the Court of Session, and subject to such Regulations in regard to opening the Case on the Part of the Pursuer and Defender as the Court may establish, One Counsel for the Pursuer and One Counsel for the Defender shall be heard, in their Order, after the whole Evidence in the Cause is closed.

Restriction of Bills of Exceptions.

XLV. And be it enacted, That a Bill of Exceptions shall not be allowed in any Cause before the Court of Session, upon the Ground of the undue Admission of Evidence, if in the Opinion of the Court the Exclusion of such Evidence could not have led to a different Verdict than that actually pronounced; and it shall not be imperative on the Court to sustain a Bill of Exceptions, on the Ground of the undue Rejection of documentary Evidence, when it shall appear from the Documents themselves that they ought not to have affected the Result at which the Jury by their Verdict have arrived.

Lord Ordinary may try Issues of Consent without a Jury.

XLVI. And be it enacted, That if the Parties in any Cause before the Court of Session in which an Issue has been adjusted shall consent to the Lord Ordinary before whom such Cause depends trying such Issue without a Jury, such Lord Ordinary shall, unless the Court, on the Report of such Lord Ordinary, shall deem it inexpedient and improper, try such Issue without a Jury accordingly; and whenever any Issue shall be tried by a Lord Ordinary without a Jury, such Lord Ordinary shall take Notes of the Evidence, and shall hear Counsel thereon, and otherwise the Proceedings shall be conducted continuously and as nearly as may be as in an ordinary Jury Trial; and within Eight Days after the Proceedings at the Trial are concluded such Lord Ordinary shall pronounce an Interlocutor, in which he shall state specifically what he finds in Point of Fact; and it shall be competent to either Party, by written Note, within Eight Days from its Date, to bring such Interlocutor of the Lord Ordinary under Review of the Lord Ordinary upon his own Notes of Evidence, who shall forthwith hear Parties thereon; and it shall be competent to the Lord Ordinary, upon such Review, and within Eight Days after hearing Parties, either to correct his Interlocutor as regards such Findings in Fact or to order a new Trial, as he may think fit: Provided always, that if either of such Periods of Eight Days extends into Vacation

or

or Recess, such Period shall not be held to elapse till the Fourth Day after the next Meeting of the Lords Ordinary or the Court thereafter.

Lord Ordinary's Findings in Fact shall be final unless reclaimed against.

XLVII. And be it enacted, That unless it shall appear that such Findings in Point of Fact by such Lord Ordinary proceeded on some erroneous View of the Law, as to Competency of Evidence or otherwise, such Findings in Fact shall be final; but it shall be competent to either of the Parties to raise, on a Reclaiming Note to the Inner House, any Question of Law which may be relevantly raised upon the Evidence as appearing in the Notes of such Lord Ordinary taken as aforesaid; and no Objection to any Finding in Point of Law by such Lord Ordinary during the Proceedings at the Trial shall be competent unless such Objection was stated, and noted by the Lord Ordinary at the Time of such Finding; and the Notes of the Lord Ordinary shall be referred to for no other Purpose than to decide such Questions of Law: Provided always, that any Appeal which may be entered to the House of Lords against any Interlocutor which may be pronounced by the Inner House on any such Question of Law shall be subject to the same Regulations and entitled to the same Privileges in all respects as Appeals against Interlocutors or Judgments upon Bills of Exceptions are at present subject and entitled to.

Proviso as to Appeals on Questions of Law.

Lord Ordinary may try special Facts without a Jury.

XLVIII. And whereas Cases may arise in which it is desirable that Questions of Fact should be investigated without Trial by Jury or Proof on Commission: Be it enacted, That in any Cause before the Court of Session it shall be competent to the Lord Ordinary before whom such Cause depends, without adjusting an Issue or Issues, to pronounce an Interlocutor, stating distinctly any such Question or Questions to which the Parties are to address their Proof, and appointing such Question or Questions for Trial by himself, without a Jury; and the Proof to be adduced by the Parties shall in such Case be limited to the Points so stated, and shall proceed at such Time and Place as shall be appointed, unless on Review of such Interlocutor it shall appear to the Court that such Course of Procedure is not in the Circumstances of the Case expedient, or the Interlocutor be otherwise altered by the Court; and the Lord Ordinary shall find on each such Question separately, and his Findings on such Questions shall be final, subject always to such Review, Correction, and Objections as would have been competent thereagainst under this Act if the Cause had been tried by such Lord Ordinary on Issues.

Lord Ordinary may take the

XLIX. And be it enacted, That in any Cause before the Court of Session, not falling within the Causes specially enumerated in the said

Evidence by Commission, except in the enumerated Causes.

said recited Act passed in the Sixth Year of the Reign of His Majesty King *George* the Fourth as appropriate to be tried by Jury, it shall be competent to the Lord Ordinary before whom such Cause depends, with the Consent of both Parties or upon the Motion of One Party, with the Leave of the Inner House obtained upon the Report of the Lord Ordinary, or to the Court when the Cause comes in to the Inner House, to appoint the Evidence in such Case, or any Portion of such Evidence, to be taken by Commission: Provided always, that it shall be competent for the Court to allow Proof on Commission in any of such enumerated Causes where the Action is not an Action for Libel or for Nuisance, or properly and in Substance an Action of Damages.

Parties may choose their own Jury.

L. And whereas it is expedient to extend the Benefits of Arbitration: Be it enacted, That if the Parties in any Cause before the Court of Session in which an Issue is to be tried shall consent to refer the same to any One Arbiter, or to any Three, Five, or Seven Arbiters, it shall be lawful for the Court or the Lord Ordinary, and the Court or Lord Ordinary is hereby required to allow such Arbiter or Arbiters to be sworn and to sit as a Jury to try such Issue; and such Arbiter or Arbiters, or the major Part of their Number in the event of Difference of Opinion, shall have all the Powers of a unanimous Jury; and the Proceedings of such Trial shall be conducted, as far as may be, as in any ordinary Case of Trial by Jury, either Party being entitled to take Exceptions, and to move for new Trial, as in any ordinary Case: Provided always, that it shall not be competent to either Party to object to the Verdict, or to move for new Trial, in respect of the Verdict being against Evidence, or on any other Ground implying Miscarriage on the Part of the Jury alone: Provided also, that the Court, in the event of granting a new Trial, shall direct the new Trial to proceed before the same Arbiter or Arbiters, if able to try the Cause, and the new Trial shall in that Case proceed before the same Arbiter or Arbiters accordingly.

Reports by Lords Ordinary to be verbal.

LI. And be it enacted, That where by the Provisions of this Act anything may be done upon Report of a Lord Ordinary to one or other of the Divisions of the Court, the same may be done summarily by a simple verbal Report, to be made by such Lord Ordinary to such Division.

Compensation.

LII. And be it enacted, That it shall be lawful for any Clerk or Officer of the Court of Session or other Court, entitled to Compensation for Loss to be suffered through the Operation or Effect of this Act, to make Application to the Commissioners of Her Majesty's

Treasury

Treasury for Compensation, giving at the same Time Notice of such Application to Her Majesty's Advocate for *Scotland;* and it shall be lawful for the said Commissioners of the Treasury to investigate such Claim, and call for such Evidence in relation thereto as they may think necessary; and upon such Claim being established to their Satisfaction the said Commissioners are hereby authorized and empowered, out of such Monies as Parliament shall hereafter provide, to award to such Person such Compensation as they shall, under all the Circumstances of the Case, and having reference to the Nature of the Appointment and the Duration of the Service, think him entitled to, either by the Payment of a gross Sum or by way of Annuity, as they shall think proper: Provided always, that a Copy of every such Award for Compensation shall be laid before both Houses of Parliament within Thirty Days from the Day on which the same shall be granted, if Parliament shall be then sitting, and if not, then within Thirty Days after the then next Sitting of Parliament; and no such Award shall be final and conclusive until Two Calendar Months after the same shall have been so laid before Parliament: Provided also, that it shall be a Condition of every such Grant that the Compensation so granted, in the event of the Appointment thereafter of any of the said Persons to any Office of Profit or Emolument under the Crown, shall abate or wholly cease during the Period in which such Person shall hold such Office, so as that the Compensation and Emolument thereof, taken together, shall not exceed the Emoluments of the Office in respect of which the Compensation has been granted.

Interpretation of Terms.

LIII. And be it enacted, That in construing this Act the Expression "Clerk of Session" shall include Principal Clerk of Session, Depute Clerk of Session, and Assistant Clerk of Session, both in the Inner and Outer House; the Word "Pursuer" shall include Complainer, and the Word "Defender" shall include Respondent.

Court of Session may make Regulations by Acts of Sederunt.

LIV. And be it enacted, That the Court of Session shall be and the said Court is hereby empowered, from Time to Time, from and after the passing of this Act, to make such Regulations, by Act or Acts of Sederunt, as the said Court may deem meet for carrying into effect the Purposes of this Act, and also to make Regulations substituting such Services or Notices as the Court may deem meet in lieu of Actions of Transference as at present in use, and also to make Regulations for allowing Summonses and Notes of Advocation and of Suspension, and of Suspension and Interdict, and of Suspension and Liberation, to be called at any Box Day in Vacation or Recess, and making Defences returnable at such Box Days, or on the Meeting of the Lords Ordinary, or of the Court after Vacation or Recess; and the said Court may meet for the above

Purposes during Vacation as well as during Session, and may alter and amend such Regulations from Time to Time: Provided always, that within Fourteen Days from the Commencement of every future Session of Parliament there shall be transmitted to both Houses of Parliament Copies of all Acts of Sederunt made and passed under the Powers hereby given.

Commencement of Act.

LV. And be it enacted, That, excepting in so far as regards the Power herein-before given to the Court of Session to pass Acts of Sederunt, this Act shall take effect from and after the First Day of *November* One thousand eight hundred and fifty: Provided always, that it shall be competent to the said Court, from and after the passing of this Act, to make any Order in any existing Cause, to take effect at and from the said First Day of *November* One thousand eight hundred and fifty.

Recited Acts, &c. repealed in so far as at variance with this Act.

LVI. And be it enacted, That the said recited Acts, and all Laws, Statutes, Acts of Sederunt, and Usages, shall be and the same are hereby repealed, in so far only as they may be in any respect inconsistent or at variance with the Provisions of this Act.

Act may be amended, &c.

LVII. And be it enacted, That this Act may be amended or repealed by any Act to be passed during the present Session of Parliament.

SCHE-

SCHEDULES to which this Act refers.

SCHEDULE (A.)

No. 1.

FORM of an ordinary PETITORY SUMMONS.

VICTORIA, by the Grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith: To Messengers at Arms, Our Sheriffs in that Part, conjunctly and severally, specially constituted, Greeting: Whereas it is humbly meant and shown to Us by Our Lovite *A.* [*insert Name and Designation*], Pursuer, against *B.* [*insert Name and Designation*], Defender, in Terms of the Condescendence and Note of Pleas in Law hereunto annexed: Therefore the Defender ought and should be decerned and ordained, by Decree of the Lords of Our Council and Session, to make Payment to the Pursuer of the Sum of Sterling, [*where any liquid Document of Debt is libelled on, whether Bond, Bill, or other Document, as the Case may be, set it forth here, as shortly as possible, describing it merely by its Date, and the Names of the Parties by and to whom granted,*] with the legal Interest thereof from the Day of until Payment, together with the Sum of Sterling, or such other Sum as Our said Lords shall modify as the Expenses of the Process to follow hereon, conform to the Laws and daily Practice of Scotland used and observed in the like Cases, as is alleged: Our Will is Herefore, *&c.* [*insert the Will in common Form, down to the Words,* "Given under our Signet at Edinburgh," *inclusive*].

[*To be signed on each Page by a Writer to the Signet, and signeted in common Form.*]

CONDESCENDENCE.

[*State articulately the Allegations in Fact which form the Ground of Action.*]

NOTE OF PLEAS IN LAW.

[*State them articulately.*]

In respect whereof, *&c.*

[*To be signed on each Page by the same Writer to the Signet who signs the above.*]

No. 2.

No. 2.

FORM of a SUMMONS of COUNT and RECKONING and PAYMENT.

VICTORIA, *&c.* [*as before*]: Whereas, *&c.* [*as before*]: Therefore the Defender ought and should be decerned and ordained, by Decree of the Lords of Our Council and Session, to exhibit and produce before Our said Lords a full and particular Account of his whole Intromissions as Factor for the Pursuer, [*or otherwise, as the Case may be,*] whereby the true Balance due by him to the Pursuer may appear and be ascertained by Our said Lords: And the Defender ought and should be decerned and ordained, by Decree foresaid, to make Payment to the Pursuer of the Sum of
Sterling, or of such other Sum as shall appear and be ascertained by Our said Lords to be due by the Defender as the Balance of his said Intromissions, with the legal Interest thereof from the
Day of until Payment; or, in the event of the Defender failing to produce an Account as aforesaid, he ought and should be decerned and ordained, by Decree foresaid, to make Payment to the Pursuer of the Sum of Sterling, which shall in that Case be held to be the Balance of his said Intromissions, with the legal Interest thereof from the said Day of until Payment; and, whether the said Account is produced or not, the Defender ought and should be decerned and ordained, by Decree foresaid, to make Payment to the Pursuer of the Sum of Sterling, *&c.* [*insert Conclusion for Expenses, as before*]: Our Will is Herefore, *&c.* [*insert the Will in common Form, as before.*]

[*To be signed and signeted as before.*]

No. 3.

FORM of a SUMMONS of DECLARATOR of TRUST.

VICTORIA, *&c.* [*as before*]: Whereas, *&c.* [*as before*]: Therefore it ought and should be found and declared, by Decree of the Lords of Our Council and Session, that a Disposition dated
whereby, for the Causes therein specified, the Pursuer sold, alienated, and disponed to the Defender, and his Heirs and Assignees whomsoever, heritably and irredeemably, all and whole the Lands of was a Trust in the Person of the Defender, for the Use and Behoof of the Pursuer, and his Heirs or Assignees: And the Defender ought and should be decerned and ordained, by Decree foresaid, to denude of the said Lands, and to convey the same, with the Writs and Evidents thereof, to the Pursuer, and his Heirs

and

and Assignees, with Warrandice from the Defender's own Facts and Deeds [*insert Conclusion for Expenses and Will, as before*].

[*To be signed and signeted as before.*]

No. 4.

FORM of a SUMMONS of REDUCTION.

VICTORIA, by the Grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith, To

Messengers at Arms, Our Sheriffs in that Part, conjunctly and severally, specially constituted, Greeting: Our Will is, *&c.* [*take in Will of Summons in common Form, down to the Statement of the Reasons; then say*] for the Reasons and Causes set forth in the Condescendence and Note of Pleas hereunto annexed: Therefore, and for other Reasons to be proposed at discussing hereof, the said last Will and Testament [*or other Document sought to be reduced, as the Case may be*], with all that has followed or may follow on the same, ought and should be reduced, retreated, rescinded, cassed, annulled, decerned, and declared, by Decree of Our said Lords, to have been from the Beginning, to be now and in all Time coming, null and void, and of no Avail, Force, Strength, or Effect, in Judgment or outwith the same in Time coming, and the Pursuer reponed and restored thereagainst in integrum: And the Defender ought and should be decerned and ordained, by Decree foresaid, to make Payment to the Pursuer of the Sum of Sterling [*insert Conclusion for Expenses, as before*], or else to allege a reasonable Cause in the contrary: With Certification to the Defender, if he fail, Our said Lords will proceed in the said Matter, and reduce, decern, and declare in manner foresaid: According to Justice, *&c.* [*According to usual Form, as before*].

[*To be signed and signeted as before*].

No. 5.

FORM of a SUMMONS of MULTIPLEPOINDING.

VICTORIA, *&c.* [*as before*]: Whereas it is humbly meant and shown to us by Our Lovite *A.* [*insert Name and Designation*], Pursuer, against *B.* [*insert Name and Designation*], common Debtor, and *C.*, *D.*, and *E.* [*insert Names and Designations of each in order, and state who is the real Raiser*], Creditors or pretended Creditors of the said *B.*, all Defenders, in Terms of the Condescendence and Note of Pleas in Law hereunto annexed: Therefore it ought and should be found and

 declared,

declared, by Decree of the Lords of Our Council and Session, that the Pursuer is only liable in once and single Payment of the Principal Sum of Sterling contained in a Bond dated granted by him to the said *B.*, his Heirs, Executors, or Assignees, and Interest thereon from the Day of until Payment, or until Consignation in this Process, and that to the Person or Persons who may have just Right thereto; for determining which the said several Persons, Creditors or pretended Creditors foresaid, and the said *B.*, common Debtor, for his Interest, and all others pretending Right thereto, ought to produce their respective Grounds of Debt and Diligences thereon or other Interest in the said Sum, and dispute their Preferences thereto: And the Pursuer should be found entitled to retain the Expenses of this Process as the same shall be ascertained in the course thereof, and decerned and ordained to make Payment of what Sum shall remain in his Hands after such Retention to such of the Defenders or others as may be found to have best Right thereto: And the Defenders who shall be found to have no Right to the Sums in medio, and all others, ought and should be decerned and ordained, by Decree foresaid, to desist and cease from further troubling the Pursuer with respect to the Premisses in Time coming, conform to the Laws and daily Practice of Scotland used and observed in the like Cases, as is alleged. Our Will is Herefore, *&c.* [*insert the Will in common Form, as before*].

[*To be signed and signeted as before*].

SCHEDULE (B.)

THIS Summons, [*or* Note of Suspension, *or* Note of Suspension and Interdict, *or* Note of Suspension and Liberation, *or* Note of Advocation,] executed [*or* intimated] by me [*insert Name*], Messenger at Arms, against [*or* to] [*insert Name or Names*], Defender [*or* Defenders, *or* Respondent *or* Respondents] [*state whether personally or otherwise*], in Presence of [*insert Name and Designation of Witness*], this Day of Eighteen hundred and Years.

[*Signature of Messenger.*]

C.D., Witness.

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CAP. XXXVII.

An Act for the further Extension of Summary Jurisdiction in Cases of Larceny.

[29th *July* 1850.]

WHEREAS by an Act passed in the Eleventh Year of the Reign of Her Majesty, intituled *An Act for the more speedy Trial and Punishment of Juvenile Offenders*, it is enacted, that every Person who should subsequently to the passing of that Act be charged with having committed or having attempted to commit, or with having been an Aider, Abettor, Counsellor, or Procurer in the Commission of any Offence which then was or thereafter should or might be by Law deemed or declared to be Simple Larceny, or punishable as Simple Larceny, and whose Age at the Period of the Commission or attempted Commission of such Offence should not, in the Opinion of the Justices before whom he or she should be brought or appear as therein-after mentioned, exceed the Age of Fourteen Years, should, upon Conviction thereof upon his own Confession or upon Proof before any Two or more Justices of the Peace for any County, Riding, Division, Borough, Liberty, or Place, in Petty Sessions assembled at the usual Place and in open Court, be punished as therein mentioned: And whereas by an Act passed in the Twelfth Year of the Reign of Her Majesty, intituled

10 & 11 Vict. c. 82.

11 & 12 Vict. c. 59.

An Act for the more speedy Trial and Punishment of Juvenile Offenders in Ireland, it is enacted that every Person who should subsequently to the passing of that Act be charged with having committed or having attempted to commit, or with having been an Aider, Abettor, Counsellor, or Procurer in the Commission of any Offence in *Ireland* which then was or thereafter should or might be by Law deemed or declared to be Simple Larceny or punishable as Simple Larceny, and whose Age at the Period of the Commission or attempted Commission of such Offence should not, in the Opinion of the Justices before whom he or she should be brought or appear as therein-after mentioned, exceed the Age of Fourteen Years, should, upon Conviction thereof upon his own Confession or upon Proof before any Two or more Justices of the Peace for any County, Riding, Division, Borough, Liberty, or Place, in Petty Sessions assembled at the usual Place and in open Court, be punished as therein mentioned: And whereas the Expense and Delay sustained in the Prosecution of Persons guilty of petty Thefts tend to the Increase of such Offences; and it is expedient that the Provisions of the said Acts should be extended as herein-after provided: Be it enacted therefore by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Acts, and the Jurisdiction thereby given, and all the Provisions therein contained, shall extend and be applicable to all Cases in which any Person shall subsequently to the passing of this Act be charged with any such Offence as in the said Acts mentioned, and the Age of the Person so charged at the Period of the Commission or attempted Commission of the Offence shall not, in the Opinion of the Justices before whom he or she shall be brought or appear as therein mentioned, exceed the Age of Sixteen Years; and that the Provisions of the said recited Acts for Summons, Warrant to summon and apprehend, and all other the Provisions applicable to the Cases where any Person whose Age is alleged not to exceed Fourteen Years shall be charged with any such Offence as in the said Acts mentioned, shall extend and be applicable to all Cases in which any Person whose Age shall not exceed Sixteen Years shall be charged with any such Offence as aforesaid: Provided always, that nothing herein contained shall authorize or empower any Justice or Justices to order the Punishment of Whipping to be inflicted upon any Offender whose Age shall exceed the Age of Fourteen Years.

Recited Acts extended to all Cases in which the Age of the Person charged does not exceed Sixteen Years.

Offenders above Fourteen Years of Age not to be liable to Punishment of Whipping.

II. And be it enacted, That One of the Justices before whom any Person shall be charged and proceeded against under this Act or the herein-before mentioned Acts, before such Person shall be asked whether he or she has any Cause to show why he or she should not

Justice to ask whether Accused wishes the Charge to be tried by a Jury.

not be convicted, shall say to the Person so charged these Words, or Words to the like Effect: "We shall have to hear what you wish to say in answer to the Charge against you; but if you wish the Charge to be tried by a Jury, you must object now to our deciding upon it at once;" and if such Person, or a Parent of such Person, shall then object, the Justices shall proceed with the Charge as if the said Acts had not been passed.

III. And be it enacted, That nothing in this Act contained shall extend to *Scotland*.

Act not to extend to Scotland.

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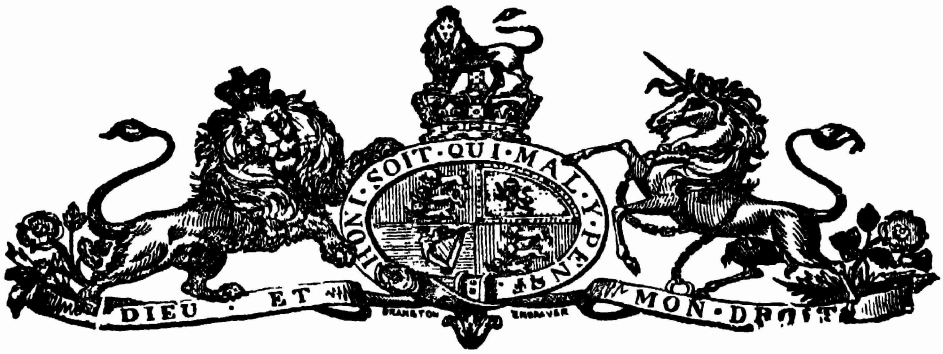

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solemnized in such Church before the same was legally constituted the Parish Church are strictly legal, and it is expedient to remove such Doubts: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all Marriages so as aforesaid solemnized in the said new Church of *Upton cum Chalvey* shall be as good and valid in the Law to all Intents and Purposes whatsoever as if the same had been solemnized in the Parish Church of *Upton cum Chalvey* aforesaid.

All Marriages already solemnized in the new Church of Upton cum Chalvey declared to be valid.

II. And be it enacted, That the Minister or Ministers who solemnized such Marriages respectively as aforesaid shall not be liable to any Ecclesiastical Censures, or to any other Proceedings or Penalties whatsoever, by reason of his or their having so as aforesaid solemnized the same respectively.

Ministers having solemnized such Marriages not to be liable to Penalties.

III. And be it enacted, That the Registers of the Marriages so solemnized as aforesaid, or Copies of such Registers, shall be received in all Courts of Law and Equity as Evidence of such Marriages respectively, in the same Manner as the same would have been receivable in Evidence in case the said Marriages respectively had been solemnized in the Parish Church of *Upton cum Chalvey* aforesaid.

Registers of Marriages so solemnized to be Evidence.

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11 & 12 Vict. c. 104. passed in the Twelfth Year of Her Majesty, intituled *An Act for amending the Act for regulating the Prison at* Millbank, One of Her Majesty's Principal Secretaries of State was authorized to appoint Visitors of the said Prison; and all the Powers, Duties, and Functions vested in and to be performed by "The Inspectors of "the *Millbank* Prison" under the said Act of the Seventh Year of Her Majesty were transferred to such Visitors, who were incorporated by the Style of "The Visitors of the *Millbank* Prison:" And whereas by an Act passed in the Fifth Year of King *George* the Fourth, intituled *An Act for the Transportation of Offenders from* Great Britain, Provision was made for the Appointment by His Majesty of a Superintendent of the Places to be appointed under such Act in the River *Thames* or some other River, or within the Limits of some Port or Harbour of *England* or *Wales*, for the Confinement of Male Offenders under Sentence or Order of Transportation, and also for the Appointment of an Assistant or Deputy to such Superintendent at One or more of the said Places of Confinement, and to be constantly resident at or near the Place or Places to which he should be appointed, and also of an Overseer of each such Place of Confinement: And whereas by an Act passed in the Tenth Year of Her Majesty, intituled *An Act for abolishing the Office of Superintendent of Convicts under Sentence of Transportation*, it was enacted, that upon the next Vacancy in the Office of Superintendent of Convicts in *England* under Sentence or Order of Transportation so much of the said Act of the Fifth Year of King *George* the Fourth as provides for the Appointment of such Superintendent by Her Majesty, or any Overseer, or any Assistant or Deputy to such Superintendent, should be repealed, and that all Male Offenders in *England* under Sentence or Order of Transportation should be thenceforth in the Custody and Management of such Person or Persons as should be for that Purpose appointed by One of Her Majesty's Principal Secretaries of State, and the Provisions of the said Act of the Fifth Year of King *George* the Fourth, not altered by the Act now in recital, with respect to the Superintendent and Overseer having Custody of any Offenders under the said Act, should apply to the Persons severally having the Custody and Management of such Offenders under the Act now in recital: And whereas it is expedient that all the Powers which by the said recited Acts are vested in the Visitors of *Parkhurst* Prison, the Commissioners for the Government of *Pentonville* Prison, and the Visitors of the *Millbank* Prison, respectively, and such Powers heretofore vested in the said Superintendent of Convicts as by the said Act of the Tenth Year of Her Majesty were transferred to the Persons having the Custody and Management of Male Offenders in *England* under Sentence or Order of Transportation under that Act, should be vested in Directors

5 G. 4. c. 84.

9 & 10 Vict. c. 26.

to be appointed as herein-after mentioned: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for One of Her Majesty's Principal Secretaries of State to appoint not less than Three fit Persons to be Directors of all the said Prisons of *Parkhurst*, *Pentonville*, and *Millbank*, and of the Places for the Confinement of Male Offenders in *England* under Sentence or Order of Transportation, and to appoint One of such Persons to be the Chairman of such Directors, and from Time to Time to remove any of such Persons so to be appointed, and to appoint another or others in his or their Stead; and the Persons so appointed, or any Two of them, shall, during their Appointment, have and perform all the Powers and Duties which under the said recited Acts are vested in or to be performed by the Visitors of *Parkhurst* Prison, the Commissioners for the Government of *Pentonville* Prison, and the Visitors of the *Millbank* Prison, respectively, with respect to such respective Prisons, and shall also have and perform all such of the Powers and Duties heretofore vested in and to be performed by the said Superintendent of Convicts as by the said Act of the Tenth Year of Her Majesty were transferred to the Person or Persons having the Custody and Management of such Offenders as aforesaid under that Act; and all Powers and Duties which under the said recited Acts might be exercised and performed by One of the Visitors of *Parkhurst* or the *Millbank* Prisons respectively, or by One of the Commissioners for the Government of *Pentonville* Prison, may be exercised and performed by One of the Directors to be appointed under this Act; and all or any of the Powers and Duties of the said Superintendent of Convicts hereby transferred to such Directors may be exercised and performed by any One of such Directors; and all the Provisions of the said recited Acts in relation to the Visitors of *Parkhurst* Prison, the Commissioners for the Government of *Pentonville* Prison, and the Visitors of the *Millbank* Prison, shall be applicable to the Directors to be appointed under this Act; and all the Provisions of the said Act of the Fifth Year of King *George* the Fourth with respect to the said Superintendent of Convicts, so far as the same have Relation to the Powers and Duties of such Superintendent intended to be by this Act transferred to such Directors shall from and after the Appointment of such Directors be applicable to such Directors and under this Act be exercised and performed by any One of such Directors.

Power to Secretary of State to appoint Directors of Parkhurst, Pentonville, and Millbank Prisons, and of all Places for Confinement of Male Offenders in England under Sentence of Transportation.

II. And be it enacted, That the said Directors to be appointed under this Act, and their Successors, shall be a Body Corporate, by the Name of "The Directors of Convict Prisons," and by that Name shall

Directors incorporated by the Name of "The Directors of

Convict Prisons."

shall have perpetual Succession and a Common Seal, and may sue and be sued in all Courts and before all Justices and others.

After Appointment of Directors Powers of present Visitors, &c. to cease.

III. And be it enacted, That from and immediately after the first Appointment of Directors under this Act the Powers and Duties of the Visitors appointed under the first-recited Act, of the Commissioners for the Government of *Pentonville* Prison, of the Visitors of the *Millbank* Prison, and such of the Powers and Duties of the said Superintendent of Convicts as by the said Act of the Tenth Year of Her Majesty were transferred to the Person or Persons having the Custody and Management of Male Offenders in *England* under Sentence or Order of Transportation under that Act, shall cease and determine.

Provisions of the Pentonville Prison Act as to Introduction of Spirits, Tobacco, &c. extended to all Prisons, &c. mentioned in this Act.

IV. And whereas in and by the Act secondly above recited, passed in the Fifth Year of the Reign of Her Majesty, intituled *An Act for establishing a Prison at* Pentonville, it was amongst other things enacted, "that every Officer or Servant of the *Pentonville* Prison who should bring or carry out, or endeavour to bring or carry out, or knowingly allow to be brought or carried out, to or for any such Convict, any Money, Clothing, Provisions, Tobacco, Letters, Papers, or other Articles whatsoever not allowed by the Rules of the Prison, should be liable to be punished as therein-after mentioned:" And whereas it is expedient to make the said Enactment applicable to all the Prisons and Places of Confinement mentioned in this Act: Be it enacted, That from and after the passing of this Act so much of the said Act for establishing a Prison at *Pentonville* as is above set forth and referred to shall be and the same is extended to the Prisons of *Parkhurst*, *Millbank*, and to all the said Places for the Confinement of Male Offenders in *England* under Sentence or Order of Transportation, and to the Officers and Servants employed therein; and all the Powers given thereby to the Commissioners of *Pentonville* in that Behalf shall be exercised by the Directors appointed under this Act in the said Prisons of *Pentonville*, *Millbank*, and *Parkhurst*, and the said Places for the Confinement of Offenders under Sentence or Order of Transportation.

Act may be amended, &c.

V. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

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the Lord High Admiral or Commissioners for executing the Office of Lord High Admiral, in aid of the Sums granted for *Greenwich* Out-Pensions; and in the event of there remaining any Surplus thereof after defraying the *Greenwich* Out-Pensions, then the said Treasurer of the Navy should cause such Surplus to be from Time to Time invested (under the Authority and by the Direction of the Lord High Admiral or Commissioners for executing the Office of Lord High Admiral) in some of the Public Government Stocks, Funds, or Securities, in the Name of the Treasurer of the Navy for the Time being, and should receive and apply the Dividends arising therefrom in aid of the *Greenwich* Out-Pensions; and the said Stocks, Funds, and Securities might be from Time to Time by the said Treasurer of the Navy sold, under the like Authority and Direction, and the Produce thereof applied in further Aid of future *Greenwich* Out-Pensions: And whereas the Payment of *Greenwich* Out-Pensions being otherwise fully provided for, it is expedient to alter the said Act: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act so much of the said Act passed in the Tenth Year of the Reign of His late Majesty King *George* the Fourth as enacts that the said several Payments and Deductions may be by the said Treasurer of the Navy applied, under the Authority and Direction of the Lord High Admiral or Commissioners for executing the Office of Lord High Admiral, in aid of the Sums granted for *Greenwich* Out-Pensions, and so much of the same Act as provides for the Investment of any Surplus thereof after defraying the *Greenwich* Out-Pensions, and the Application of the Dividends arising therefrom, shall be and the same is hereby repealed.

So much of 10 G. 4. c. 26. as relates to Payments and Deductions, and as provides for Investment of Surplus, &c., repealed.

II. And be it enacted, That from and after the passing of this Act so much of the said several Payments and Deductions which now form the Naval Prize Cash Balance, and also so much of such future Payments and Deductions as the Lord High Admiral or the Commissioners for executing the Office of Lord High Admiral may at any Time and from Time to Time deem expedient, shall, by Her Majesty's Paymaster General, under the Authority and Direction of the Lord High Admiral or Commissioners for executing the Office of Lord High Admiral, be paid and transferred to the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*.

Naval Prize Cash Balance may be carried to Consolidated Fund.

III. And be it enacted, That in case any Claims in respect of Prize or Bounty Money shall hereafter be made which the Naval Prize Cash Balance for the Time being shall not be sufficient to pay,

Deficiency of the Naval Prize Cash Balance to

pay, in that Case, and whenever the same may so happen, there shall be paid out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* a sufficient Sum to meet and defray such Claims.

To be made good out of the Consolidated Fund.

IV. And be it enacted, That this Act may be altered, amended, or repealed by any Act to be passed in this present Session of Parliament.

Act may be amended, &c.

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Fourth Report of the Commissioners of Ecclesiastical Duties and Revenues, it was among other things enacted, that thenceforth all the Members of Chapter, except the Dean, in every Cathedral and Collegiate Church in *England*, should be styled Canons, and that the said Warden of the said Collegiate Church of *Manchester* should be styled Dean; and that in the said Collegiate Church of *Manchester*, as soon as the See of *Manchester* should have been founded, and every Person who should be a Member of the said Chapter at the passing of that Act should have ceased to be such Member, the Canonries should be in the direct Patronage of the Bishop of *Manchester* for the Time being, who might, upon the Vacancy of any Canonry, collate thereto a Spiritual Person, who should thereupon be entitled to Installation as a Canon of the same Church; and that such fixed annual Sum should be determined on to be paid, and should accordingly be paid, to the Ecclesiastical Commissioners of *England* by the said Dean and Canons of the said Collegiate Church of *Manchester*, as, after due Inquiry, and a Calculation of the then present average annual Revenues of the Chapter of such Church, should leave to the Dean thereof an average annual Income of Two thousand Pounds, and to the Canons thereof respectively the average annual Income of One thousand Pounds; and that the Monies and Revenues to be paid to the said Ecclesiastical Commissioners for *England* by and under the Authority of that Act, together with all Accumulations of Interest arising therefrom, should be from Time to Time carried over by the said Commissioners to a Common Fund, to be applied as therein mentioned to make additional Provision for the Cure of Souls in Parishes where such Assistance is most required: And whereas an Act was passed in the Parliament held in the Sixth and Seventh Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for carrying into effect the Reports of the Commissioners appointed to consider the State of the Established Church in* England *and* Wales, *with reference to Ecclesiastical Duties and Revenues, so far as they relate to Episcopal Dioceses, Revenues, and Patronage;* and another Act was passed in the Parliament held in the Fourth and Fifth Years of the Reign of Her present Majesty, intituled *An Act to explain and amend Two several Acts relating to the Ecclesiastical Commissioners for* England; and another Act was passed in the Parliament held in the Tenth and Eleventh Years of the Reign of Her present Majesty, "for establishing the Bishoprick of *Manchester*, "and amending certain Acts relating to the Ecclesiastical Commis-"sioners of *England*:" And whereas, under or by virtue of the said Four several Acts of Parliament, and the Powers thereby conferred, the Bishoprick of *Manchester* has been duly founded and endowed, and the said Collegiate Church has been duly made and is now the Cathedral Church of the said Diocese of *Manchester;* and the Bishop of *Manchester* for the Time being has been duly constituted the Visitor

Acts as to Ecclesiastical Commissioners, 6 & 7 W. 4. c. 77.

4 & 5 Vict. c. 39.

10 & 11 Vict. c. 108.

Visitor of the said Cathedral; but Doubts have been entertained whether he has thereby become Visitor of the said College: And whereas the said Dean and Canons are seised of the Rectory of the Parish of *Manchester* aforesaid, and of certain Tithes, Glebe Lands, Hereditaments, and Tenements belonging thereto, which at present produce a considerable Revenue, and will probably produce hereafter a much larger yearly Income: And whereas the Queen's most Excellent Majesty is Patron of the said Deanery or Wardenship of the said College, and as such entitled to nominate the said Dean thereof: And whereas the said Bishop of *Manchester* is Ordinary of the said Parish of *Manchester*: And whereas the said Parish of *Manchester* is of very great Extent, and contains a very large Population: And whereas, in addition to the said Cathedral Church, many new Churches or Chapels have at various Times been erected within the said Parish of *Manchester*, and other Churches or Chapels are now being or may hereafter be erected in the same Parish, and certain Districts of the said Parish have been assigned to certain of such Churches or Chapels, and certain of such Churches or Chapels have been respectively endowed to a small Extent, but wholly insufficient for properly providing for the Cure of Souls in such Districts: And whereas, under or by virtue of "The *Manchester and Leeds* Railway Act, 1836," "The *Manchester and Leeds* Railway Act, 1837," "The *Manchester and Leeds* Railway Act, 1839," "The *Manchester and Leeds* Railway Act, 1841," "The *Manchester and Leeds* Railway Act, 1844," "The *Manchester and Leeds* Railway Act (No. 1.), 1845," "The *Manchester and Leeds* Railway Act (No. 2.), 1845," "The *Manchester and Leeds* Railway Act, 1846," and an Act passed in the Parliament held in the Seventh and Eighth Years of the Reign of Her Majesty Queen *Victoria*, "for "the Improvement of the Town of *Manchester*," or some of such Acts, certain Land known by the Name of "*Walker's Croft*," and formerly belonging to the said Dean and Canons and the Churchwardens for the Time being of the said Parish of *Manchester*, and which for a long Time was used as a Parish Burial Ground, has been sold to the *Manchester and Leeds* Railway Company, now styled the *Lancashire and Yorkshire* Railway Company, for Sums of Money amounting in the whole to Twelve thousand nine hundred and ninety-nine Pounds One Shilling and Sixpence, or thereabouts, which said Sum is, under the Provisions of the said several Railway Acts or some of them, and of the said Act for the Improvement of the Town of *Manchester*, to be laid out and invested, as therein mentioned, in the Purchase of other Lands, to be used as and for the Purposes of a Parish Burial Ground; and it is expedient that further Provision should be made with reference to the Application of such Sums of Money: And whereas by an Act passed in the Parliament held in the Sixth and Seventh Years of the Reign of Queen *Victoria*, intituled

An

6 & 7 Vict. c. 37.

An Act to make better Provision for the Spiritual Care of populous Parishes, the Ecclesiastical Commissioners for *England* are empowered, in the Case of Parishes, Chapelries, and Districts of great Extent and containing a large Population, wherein or in Parts whereof the Provision for Public Worship and for Pastoral Superintendence is insufficient for the Spiritual Wants of the Inhabitants thereof, to constitute any Part or Parts thereof a separate District for Spiritual Purposes, such District not at the Time of constituting the same containing within its Limits any consecrated Church or Chapel: And whereas it is proper that further and better Provision should be made for the Cure of Souls within the said Parish, and it would tend greatly to promote the Spiritual Interests of the Inhabitants of the said Parish of *Manchester*, if such Division thereof into separate Parishes for Spiritual Purposes were made as herein-after provided, and if the Parishioners were ultimately relieved from the Payment of all double and increased Fees and Duties, and if all Ecclesiastical Dues, Fees, and Offerings arising in each such Parish were hereafter payable to the Rector thereof, and if Provision were made for the Monies and Revenues arising in the said Parish, and payable or to become payable to the said Ecclesiastical Commissioners under the Authority aforesaid, or under the Authority of this Act, being applied for the Spiritual Benefit of the said Parish in the Manner herein mentioned, and if Provision were also made for certain of the Pews and Sittings in the Churches of such several Parishes being free for the Use of the Parishioners, subject to the Order and Disposal of the Ordinary; and it is also desirable that better Provision should be made for securing the Residence of the Rectors and Ministers of such Parishes and Districts, by the Erection of suitable Houses of Residence where the same are or shall be required, and that Powers should be given for varying the said Districts now existing or hereafter to be made within the said Parish, or under the Authority of this Act, and for annexing Parts of the said Parish of *Manchester* to adjoining Parishes, and Portions of adjoining Parishes to any of the proposed Parishes or Districts for Spiritual Purposes only, and for selling or exchanging any House or Houses of Residence unfit or unsuitable for Residence, or which shall not be situate within the Parish to which the same shall belong, and also for vesting the Patronage of certain of the Churches and Chapels aforesaid the Patronage whereof is not now exclusively vested in the said Dean and Canons in the Bishop of the Diocese: And whereas the Objects aforesaid cannot be effectually attained without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for Her Majesty's Commissioners for building new Churches,

A new District may be assigned to

Churches, by a Scheme or Schemes to be prepared by them, and for Her Majesty in Council, by an Order or Orders ratifying the same, at such Time or Times and from Time to Time as they may deem expedient, but in each and every Case with the Consent of the Bishop of the Diocese, to sever and disannex from the said Parish of *Manchester*, and also from any Parish or Parishes to be created under the Provisions of this Act, such Parts or Portions of the said Parish or Parishes as to them may seem fit, and to annex and assign the same respectively to the several Churches and Chapels (not being the Cathedral or Collegiate Church of *Manchester*) which have been already duly consecrated, or which may be hereafter duly consecrated, otherwise than under the Provisions of the said recited Act of the Sixth and Seventh Years of the Reign of Her present Majesty, within the present Limits of the said Parish of *Manchester*, and to set out, declare, and constitute for such Churches and Chapels respectively, and to annex thereto, a District or Districts for Spiritual Purposes, within such Boundaries as they may consider to be most suitable and convenient, and for that Purpose to vary the Boundaries of any District now subsisting, or of any District or Parish which may at any Time be constituted under the Provisions of this Act or of any other Act of Parliament: Provided always, that any Scheme or Order under this Act for setting out, declaring, constituting, or annexing any such District for or to any Church or Chapel already consecrated at the passing of this Act shall not, without the Consent of the Incumbent thereof (if any) then in possession, take effect until after the next Avoidance of such Church or Chapel: Provided also, that the Draft of any Scheme to be proposed to be laid before Her Majesty in Council by the said Commissioners shall be delivered or transmitted to the Rector or Incumbent and to the Patron or Patrons of the Church or Chapel of any Parish, Chapelry, or District out of which it is recommended that any such District or any Part thereof should be taken, in order that such Rector, Incumbent, Patron, or Patrons may have an Opportunity of offering or making to the said Commissioners or to such Bishop any Observations or Objections upon or to the constituting of such District, and that such Scheme shall not be laid before Her Majesty in Council until after the Expiration of One Calendar Month next after such Copy shall have been so delivered or transmitted, unless such Rector, Incumbent, and Patron or Patrons shall in the meantime, by Writing under their Hands respectively, consent to the same: Provided also, that nothing in this Act contained shall be so construed as to abridge, alter, or limit any Powers now possessed by the Ecclesiastical Commissioners of submitting any Scheme to Her Majesty in Council for the Constitution of any new Parish, or any Power now vested in Her Majesty's Commissioners for building new Churches, or in the Bishop of the Diocese,

any Church or Chapel in Manchester by the Ecclesiastical Commissioners for England by any Scheme prepared by them, and ratified by the Queen in Council, with certain Consents.

Diocese, of or relating to the constituting any new Parish, District, or Chapelry, Parishes, Districts, or Chapelries, or altering the Boundaries thereof respectively.

Each District when constituted to become a Parish for Ecclesiastical Purposes;

II. And be it enacted, That every District constituted under the Provisions of this Act, and also every District within the present Limits of the said Parish of *Manchester* becoming a new Parish upon the Consecration of a Church therein, under the Provisions of the said recited Act of the Sixth and Seventh Years of the Reign of Her present Majesty, shall, subject to the Provisions hereinafter contained, be a Parish for all Spiritual and Ecclesiastical Purposes, and be thereupon invested with all the Rights and Incidents belonging or attaching to a Parish by the Common Law, but so as not to authorize the making, levying, or applying Church or Chapel Rates for the Maintenance or Repair of the Church or Chapel within such Parish, and subject to the Provisions herein contained, and shall be called and known by the Name by which the Church thereof shall have been consecrated, or if such Name shall not be known, then by such other Name as shall be fixed by the Authority aforesaid, notwithstanding that in the Case of any District or Parish constituted under the Provisions of the last-mentioned Act any other Name shall have been previously fixed for such District or Parish; and the Church or Chapel of each and every such Parish shall be a Church and Rectory, and the Rectors thereof for the Time being shall be a Body Politic and Corporate, and have a perpetual Succession, and the Incumbent or Minister of such Church or Chapel shall thereupon, without any further Process or Form in Law, become and be such Rector, and such Rectory and Parish shall be and be deemed to be a Benefice with sole and exclusive Cure of Souls, to all Intents and Purposes; and, subject to the Provisions herein-after contained, all Acts of Parliament, Laws, Canons, and Customs relating to the publishing of Banns of Matrimony, and to Marriages, Baptisms, Churchings, and Burials, and the registering thereof, and to Ecclesiastical Fees, Oblations, or Offerings, shall apply to such Rectory and Parish, and to the Church and Rectory thereof; and the Patron or Patrons and Rector of every such Rectory, Parish, and Benefice shall be subject to all the Laws, Provisions, and Regulations in force for the Time being as to Presentation, Institution, Collation, Induction, Residence, and Lapse, and to all such Jurisdiction of the Bishop and Archdeacon and other Jurisdiction, and as to holding Ecclesiastical Preferment, as shall by Law be applicable to Benefices with Cure of Souls; and the Right of Presentation to every such Benefice so to be created as aforesaid may be recovered, and the Incumbency thereof shall cease and be determined, in such Manner and by such Methods as the Presentation to or Incumbency in any other Rectories may now be respectively recovered or cease and be determined;

and the Church of every such Parish shall be a Church and Rectory.

and the Soil and Freehold of the Church of every such newly constituted Parish, and the Churchyard, Burial Ground, Vaults, and Catacombs (if any) belonging thereto, subject to such Rights, Claims, and Interests as shall be subsisting therein, and the House of Residence, with the Appurtenances belonging thereto or provided for the same, and all the Lands, Tenements, Hereditaments, and other Endowments of the Church of such Parish, and all the Lands, Tenements, Hereditaments, and other Endowments held by or vested in any Person or Persons or Body Corporate, in trust exclusively for or for the exclusive Benefit of the Incumbent, Minister, or Curate of such Church, shall become and be vested in the Rector thereof and his Successors for ever, and be held and enjoyed by him and them, in right of such Church and Rectory.

Parts of contiguous Parishes, &c. may be included in the District.

III. And be it enacted, That in constituting any District under the Provisions of this Act it shall be lawful, by the Authority aforesaid, to annex thereto any Part or Parts of any Parish, Chapelry, or District surrounding or contiguous to the said Parish of *Manchester*, and also to annex any Part or Parts of the said Parish of *Manchester*, or of any Parish, Chapelry, or District therein, to any such surrounding or contiguous Parish, Chapelry, or District, for Spiritual and Ecclesiastical Purposes only: Provided always, that the Scheme for any such Annexation shall not be laid before Her Majesty in Council until Notice of the Intention of the said Commissioners to lay before Her Majesty in Council a Scheme for such Annexation shall have been delivered or transmitted to the Incumbent and Patron or Patrons of every Parish, Chapelry, or District affected thereby, in order that such Incumbent and Patron or Patrons may respectively have an Opportunity of submitting to the said Commissioners any Observations upon or Objections to any such intended Annexation, and the said Commissioners shall not lay before Her Majesty in Council a Scheme for any such Annexation until after the Expiration of One Calendar Month next after such Notice shall have been so delivered or transmitted, unless such Incumbent, or Patron or Patrons, shall in the meantime by Writing under their Hands respectively consent to the same: Provided further, that if the Consent of such Incumbent be not obtained to such Annexation, then such Annexation shall not take effect until after the Incumbency of such Incumbent shall have ceased.

Residue of the Parish after the Districts are severed to be the Rectory and Parish of Manchester

IV. And be it enacted, That such Part or Residue of the said Parish of *Manchester* as shall remain after Severance therefrom of any Parts or Portions thereof as aforesaid shall be and be deemed to be for all Ecclesiastical Purposes the Parish of *Manchester*, and the Dean of *Manchester* for the Time being shall, upon Institution and Installation into his Deanery, have the Cure of Souls therein, and shall be assisted

for all Ecclesiastical Purposes.

assisted in such Cure by the Chaplains or Minor Canons of the said Cathedral or Collegiate Church to be hereafter appointed, who in all Matters connected with the Spiritual Duties of the said Parish shall be subject to and act under his Directions, and the said Dean shall have all Rights and Powers in reference to the Performance of the Services of the said Church, as the Parish Church of *Manchester*, as fully and effectually as if he were Rector of the same, subject nevertheless to any Rights belonging to or Duties imposed on the Canons and Minor Canons or Chaplains of the said Cathedral or Collegiate Church in respect of the Performance of the Services thereof prescribed by the said recited Letters Patent.

The Chaplains to be appointed by the Dean, and their Duties restricted to the Cathedral and Parish annexed thereto.

V. And be it enacted, That from and after the Severance from the said Parish of *Manchester* of any Portion or Portions thereof, under any Scheme or Schemes to be prepared and approved as aforesaid, the Duties to be performed by the said Chaplains or Minor Canons of the said Cathedral or Collegiate Church to be hereafter appointed shall be restricted to the said Church, and the Parish which shall remain annexed thereto after such Severance as aforesaid, and the said Chaplains shall, notwithstanding any of the Provisions of this Act, be and remain Minor Canons of the said Cathedral Church, and shall have such Precedence and Dignity as other Minor Canons have or are entitled to in other Cathedral Churches.

Reserving the Rights of the Chaplains and Clerks of the Collegiate Church.

VI. And in order that the setting out and declaring, or setting out, constituting, and annexing, any District or Parish, under the Provisions of this Act, to any Church or Chapel already consecrated or to be hereafter consecrated, may not prejudice the Revenues of the Chaplains or Minor Canons or of the Clerks now holding Office in the Cathedral and Parish Church of *Manchester*, be it enacted, That there shall be paid to the Rectors of such Districts or Parishes respectively, and their Successors for the Time being, for the Performance of Marriages, Churchings, and Burials, during the Continuance in Office of the said Chaplains or Minor Canons and Clerks, or any of them, the Fees which are usually and of Right ought to be paid for every such Marriage and Burial, and such Offerings as are usually and of Right made for every such Churching at the said Cathedral and Parish Church of *Manchester*; and that the said Rectors and their respective Successors shall from Time to Time receive such Fees and Offerings, and pay to the said Chaplains or Minor Canons such Proportion of the same as Incumbents of Chapelries and Districts within the Parish of *Manchester* have hitherto paid of Fees and Offerings respectively received by them in respect of Marriages, Churchings, and Burials in their several Churches and Chapels, to be by the said Chaplains or Minor Canons paid to the Person or Persons for the Time being entitled thereto, and in such

Shares

Shares and Proportions as the Fees and Offerings respectively now payable at the said last-mentioned Church are divided, and that the said Fees and Offerings shall be paid by half-yearly Payments on the Feast of the Nativity of our Saviour *Christ* and of *St. John the Baptist* in every Year: Provided always, that on the Death of any One or more of the present Chaplains or Minor Canons and Clerks, or on the ceasing of any One or more of them to hold his or their Office or Offices respectively, or being compensated in manner herein-after provided, such Proportion of the Fees and Offerings to be paid to the said Chaplains or Minor Canons and Clerks as would have belonged to the Person or Persons so dying or ceasing to hold Office, or being compensated as aforesaid, shall cease and determine; and from and after the Death or Vacation of Office of all the said present Chaplains or Minor Canons and Clerks such Fees only shall be payable at any such Church or Chapel as aforesaid as shall be fixed by the Bishop of the Diocese under the Provisions herein-after contained: Provided also, that nothing in this Act contained shall interfere with the Right of performing Marriages within the Parish of *Manchester* (as now existing) already enjoyed by the Incumbents of the Churches of *Saint Mary* and *Saint John* in *Manchester*, until the next Avoidances of the said Churches respectively, when the same shall cease and determine, except as to the Districts or Parishes then severally annexed or to be annexed to the said Churches.

Laws, Canons, and Customs relating to Marriages, &c. to remain in force during Incumbency of Chaplains, &c.

VII. And be it enacted, That during the Tenure of Office of any of the present Chaplains or Minor Canons and Clerks of the Cathedral and Parish Church of *Manchester*, or until Compensation shall be made to them, or the Survivors or Survivor of them, as by this Act provided, all Laws, Canons, and Customs relating to the publishing of Banns of Matrimony, to Marriages, Churchings, and Burials in the said Cathedral and Parish Church, and the registering thereof, and to Ecclesiastical Fees, Oblations, or Offerings, shall continue in full force and virtue, and that all the Privileges of the Inhabitants of the said Parish of *Manchester* respecting the said Rites and Services may be enjoyed in such Manner as if this Act had not passed.

Mode of ascertaining Compensation to Chaplains, &c.

VIII. And be it enacted, That in case Compensation shall be made to the said Chaplains or Minor Canons and Clerks of the said Cathedral and Parish Church of *Manchester*, pursuant to the Provisions herein contained, the Amount thereof shall be ascertained and settled upon an Average of Five Years Income next preceding the Time of computing such Compensation.

Act not to affect Laws relating to the Poor, &c.

IX. And be it enacted, That nothing herein contained shall affect the Laws relating to the Relief, Settlement, or Management of the

Poor, nor any Municipal or Parliamentary Laws or Regulations, nor prejudice or affect any Rights, Trusts, or Privileges incident or relating to any Almshouses, Hospital, or Charity, nor any Rights of Sepulture in any existing Churchyard, Burial Grounds, Vaults, and Catacombs within the Limits of the said Parish of *Manchester*, nor (except as herein otherwise provided) any Offices, Trusts, Rights, Privileges, or Capacities whatsoever which the Parishioners for the Time being of the same Parish are, in respect of their being such Parishioners, eligible or entitled to or capable of exercising or enjoying.

Provisions of 6 & 7 Vict. c. 37. as to Churchwardens extended to this Act.

X. And be it enacted, That all the Provisions of the said recited Act of the Sixth and Seventh Years of the Reign of Her present Majesty which relate to Churchwardens for the Parishes to be constituted thereunder shall extend and apply to every Parish constituted or declared to be a Parish under the Provisions of this Act.

Customs, &c. as to Appointment of Churchwardens as far as regards newly constituted Parishes to cease.

XI. Provided always, and be it enacted, That from and immediately after the first Appointment of Churchwardens for any such Parish within the Limits aforesaid constituted under the Provisions of this Act or of the said recited Act of the Sixth and Seventh Years of the Reign of Her present Majesty, all Laws, Customs, and Usages for or relating to the Appointment and Duties of Churchwardens and Chapelwardens within and for the said Parish of *Manchester* shall, so far as regards such newly-constituted Parish and the Church thereof, cease and determine, and the Churchwardens appointed for any such newly-constituted Parish shall possess and may exercise, in addition to their Powers and Duties as such Churchwardens, all the Powers and be liable to perform all the Duties possessed by or imposed upon the Churchwardens or Chapelwardens respectively of the Church of such Parish previously to its becoming such Parish Church, so far as such Powers and Duties are not affected by this Act.

Nothing in Act to affect Church Rates.

XII. Provided also, and be it enacted, That nothing herein contained shall alter or affect any Law, Statute, or Custom relating to the making, levying, or applying Church or Chapel Rates within the Limits aforesaid, or to the Duties of Churchwardens or Chapelwardens for the Parish of *Manchester*, or for any Church or Chapel within the existing Limits thereof, so far as relates to such making, levying, or applying, nor increase or diminish any Liability of any Inhabitant of the said existing Parish of *Manchester* in respect of any Church or Chapel Rates, but from and after the Severance of any Portion of the said Parish of *Manchester* from the said Cathedral or Collegiate Church under any Scheme to be prepared and approved as aforesaid it shall not be competent, save as herein mentioned, to or for any Person, not being a Parishioner of

the

the Parish which shall remain annexed to the said Cathedral or Collegiate Church, to claim any Rights or Privileges as such in respect of the Rites or Services of such Church as a Parish Church.

Monies payable to Ecclesiastical Commissioners by the Dean and Canons to be applied in providing for the Cure of Souls in the Parish of Manchester.

XIII. And be it enacted, That, subject to the Provisions of this Act, all Monies and Revenues which now are or hereafter shall be payable to the said Ecclesiastical Commissioners from the said Dean and Canons, under the Authority of any of the recited Acts or this Act, together with all Accumulation of Interest arising therefrom, shall be from Time to Time applied, by the Authority in the said first-recited Act provided, towards making better Provision for the Cure of Souls within the said Parish of *Manchester*, and also from Time to Time, if by the like Authority it shall be deemed expedient, towards providing for Payment to the Incumbents or Ministers of all or any of the Churches or Districts in the said Parish of *Manchester* of any annual Sums or Sum which, by any Order or Orders of Her Majesty in Council, now are or hereafter shall be charged on the Common Fund under the Control of the said Commissioners, so as to release the said Fund from all or any Part of its Liability in respect thereof, and for such other Purposes as are herein-after mentioned.

After the next Avoidance, the Dean to be paid 1,000*l.* per Annum, and each Canon 600*l.* per Annum.

XIV. And be it enacted, That from and after the next Avoidance of the said Deanery, and after the Severance from the said Parish of *Manchester* of any Portion or Portions thereof under any Scheme or Schemes to be so prepared and approved as aforesaid, there shall be paid to the Dean of *Manchester* for the Time being, as such Dean, out of the annual Revenues of the Chapter of the said Cathedral or Collegiate Church, the annual Income of One thousand Pounds, and no more, and the further annual Sum of Five hundred Pounds, and no more, in consideration of his being charged with the Cure of Souls in the said Parish, and that there shall be paid out of the said Revenues to each Canon of the said Cathedral or Collegiate Church to be hereafter appointed the annual Income of Six hundred Pounds, and no more, and that there shall be paid to each Chaplain to be hereafter appointed the annual Sum of Two hundred and fifty Pounds, and no more, and that the Dean and Canons of the said Cathedral or Collegiate Church for the Time being shall pay the clear Residue of the said Revenues to the said Ecclesiastical Commissioners, after reserving thereout such Sum or Sums of Money as shall have been expended, with the Approbation of the Bishop of the Diocese, in the necessary Repairs of such Part or Parts of the said Cathedral or Collegiate Church, and of *Saint Mary*'s Church in *Manchester*, as they are or may be liable to keep in repair out of the Revenues of the said Chapter, and also all such other necessary and proper Expenditure as may lawfully devolve upon the said Dean and Canons.

XV. And

To each of the Canonries in the Cathedral One Rectory to be annexed.

XV. And be it enacted, That to each of the Canonries in the said Cathedral or Collegiate Church there shall be annexed One of the Four following Rectories and Parishes to be so constituted as aforesaid; that is to say, the Rectory and Parish of *St. Philip Salford*, the Rectory and Parish of *St. George Hulme*, the Rectory and Parish of *St. Andrew Manchester*, and the Rectory and Parish of *St. Matthew Manchester*; and that such Annexation shall take effect as follows; that is to say, after the First Avoidance of a Canonry after the passing of this Act the First of the said Rectories which shall become vacant shall be deemed to be and shall be annexed thereto; and that after the Second Avoidance of a Canonry as aforesaid such One of the Three remaining Rectories as shall first become vacant shall be deemed to be and shall be annexed thereto; and after the Third Avoidance of a Canonry as aforesaid such One of the Two remaining Rectories as shall first become vacant shall be deemed to be and shall be annexed thereto; and that after the Fourth Avoidance of a Canonry as aforesaid the last remaining of the said Rectories, on becoming vacant, shall be deemed to be and shall be annexed thereto; and that each Canon to whose Canonry such Annexation shall have been made, and his Successors, shall, after he or they shall have been admitted or collated and installed into such Canonry, on being instituted by the Bishop into the said Rectory, become and be Rector of the said Rectory and Parish to all Intents and Purposes, and shall thenceforth not be in any Manner liable for or charged with any Spiritual Duties in any other Parish or Place, except within the said Cathedral or Collegiate Church, and the Limits of the Parish so annexed to such Canonry as aforesaid.

Patronage of the new Rectories, &c.

XVI. And be it enacted, That, subject to the Provisions herein-before contained respecting the Rectories to be annexed to the Canonries in the said Cathedral and Collegiate Church, the Person or Persons now entitled to nominate or present to the several Churches or Chapels now existing, and to which Districts shall be annexed, and which shall be constituted Rectories and Parishes by virtue of this Act, shall thenceforth continue and be the Patron or Patrons respectively of the said Rectories and Parishes respectively; save and except that in every Case where the Patronage of a Church is now vested in the Dean and Canons jointly with any other Person or Persons the Bishop of the Diocese for the Time being shall, from and after the passing of this Act, be Patron of such Church jointly with such other Person or Persons, in the Stead of the said Dean and Canons: Provided also, that where the said Bishop is already One of the Patrons of any such Church, he shall enjoy all Rights and Privileges to accrue to him by virtue of this Act, in addition to such as are already vested in him, and that in case any further and additional Rectory or Parish shall be hereafter constituted and endowed, under the Powers or Provisions

sions of this Act, from the Monies and Revenues under the Direction and Control of the said Ecclesiastical Commissioners, the Patronage thereof shall, from and immediately after the Constitution and Endowment thereof, be vested in the said Bishop of *Manchester* and his Successors.

Parish Clerks, Sextons, and Officers.

XVII. And be it enacted, That the Parish Clerks and Sextons and Officers (other than the Churchwardens) of the several Rectories and Parishes to be constituted under the Authority of this Act shall, save as herein-after specially excepted, be nominated and appointed annually by the respective Rectors for the Time being of such Rectories and Parishes respectively: Provided always, that nothing herein contained shall be construed to alter or affect the Right to appoint a Clerk in Orders of the said Cathedral or Collegiate Church now held by and vested in the said Dean and Canons of *Manchester*, but such Clerk in Orders may be nominated and appointed as heretofore.

Saving Rights of Sir Thomas Joseph De Trafford.

XVIII. And whereas Sir *Thomas Joseph De Trafford* of *Trafford* Park in the County of *Lancaster*, Baronet, is or claims to be entitled, to him and his Heirs, to the Patronage and Right of Nomination and Appointment of One of the Two Parish Clerks of the Parish of *Manchester* and of the said Cathedral or Collegiate and Parish Church (the other of such Clerks being nominated and appointed by the said Dean and Canons, and commonly called the Clerk in Orders): Be it enacted, That nothing herein contained shall prejudice or affect the Right (if any) of the said Sir *Thomas Joseph De Trafford*, his Heirs or Assigns, to appoint as heretofore One of the said Two Parish Clerks of the said Cathedral or Collegiate and Parish Church of *Manchester* and of the Parish of *Manchester*, or of such Part of the said Parish as shall at any Time hereafter remain to the said Church, or of the District or Parish which may at any Time hereafter remain or be annexed or attached to the said last-mentioned Church or held therewith, as the Case may be, and that such Right shall from henceforth be and remain vested in the said Sir *Thomas Joseph De Trafford* and his Heirs and Assigns: Provided always, that nothing herein contained shall prejudice or affect any Claim of the said Sir *Thomas Joseph De Trafford*, his Heirs or Assigns, to any Compensation to which, under the Provisions of this Act, he or they may be entitled in respect of such Right (if any) so vested in or claimed by him, save in so far as the Value of the Patronage hereby reserved may be considered in ascertaining the Amount of such Compensation.

The Commissioners, with Consent of Bishop, &c.

XIX. And be it enacted, That it shall be lawful for the said Ecclesiastical Commissioners, with the Consent of the said Bishop of *Manchester* and of the Patron or Patrons of any Rectory or Parish within

may assign Patronage to Persons who may make an Endowment.

the present Limits of the said Parish of *Manchester*, or constituted under the Powers of this Act, to assign the Patronage of any such Rectory or Parish to any Person or Persons, or his, her, or their Nominee or Nominees, not being more than Five in Number, in consideration of such Endowment or Augmentation as shall in the Judgment of the said Ecclesiastical Commissioners and of the said Bishop make or complete a proper and adequate Endowment for the Cure of Souls therein.

Power to Commissioners to sell Residence Houses held in trust, and apply Purchase Monies, in procuring fit Residences, &c.

XX. And be it enacted, That the said Ecclesiastical Commissioners may and they are hereby empowered, at any Time or Times and from Time to Time, to sell and dispose of every or any House of Residence now or hereafter belonging to or held in trust for the said Dean and Canons, or any or either of them, or the Incumbent or Minister of any Church or Chapel within the present Limits of the said Parish of *Manchester*, with the Land and Appurtenances thereto belonging or therewith held, or any Part thereof, in such Manner and subject to such Conditions and Regulations as by the said Commissioners shall be deemed proper, but with the Consent of the Dean, Canon, Minister, or Incumbent who at the Time of the passing of this Act shall be beneficially entitled as such, in possession or expectancy, to such Premises, and with the Consent of any future Dean, Canon, Minister, or Incumbent entitled to such Premises, provided he shall be *bonâ fide* using the same for his Residence, and otherwise without such Consent; and the Monies arising from every such Sale, as well as the Monies which may have arisen from the Sale of any House of Residence already effected, or the Funds or Securities in or upon which the same may be now invested, shall be paid or transferred to the Treasurer for the Time being of the said Commissioners, and his Receipt shall be a sufficient Discharge to the Person or Persons paying or transferring the same from all and every Responsibility respecting the same or the Application thereof; and such Monies, after the Payment thereout of the Costs and Expenses of and attending such Sales or Transfers respectively, shall be applied by the said Commissioners in or towards procuring a fit House or Residence for the Dean, Canon, Minister, or Incumbent, who, in case such Sale had not taken place, would have been entitled to the Premises so sold, or otherwise for the Increase of the Income of such Dean, Canon, Minister, or Incumbent, or for both such Purposes, as to the said Commissioners shall seem best.

Houses of Residence to be provided for the Dean and Canons and Incumbents.

XXI. And be it enacted, That it shall be lawful for the said Commissioners to provide a suitable House of Residence for the said Dean and the said Canons respectively, and for the Incumbent of the Church of any and every other of the Parishes to be constituted as aforesaid, in lieu of the House of Residence belonging to such Deanery, Canonry,

or

or Parish respectively (if any) which shall be considered unfit or inconvenient for Residence, or which shall not be within the Limits of such newly-constituted Parish, together with Offices, Outbuildings, and Land, not exceeding in the whole Five Acres, such Houses respectively to be situate within the Limits of the Districts so respectively to be set out and declared or set out and constituted as such Parish, and as near as Circumstances will admit to the Church belonging thereto, and for the said last-mentioned Purpose to exchange any Land or Buildings belonging to such Church, and to receive and give Discharges for or to pay any Sum of Money by way of Equality of Exchange, and to apply any Part of the Proceeds arising by such Sale or Exchange for, in, or towards the Purchase or Erection of any such House of Residence, Offices, Outbuildings, and Land; and every such House of Residence, with the Offices, Outbuildings, and Land (if any) belonging thereto, which shall be so taken in exchange or purchased as aforesaid, shall be conveyed and assured unto the said Dean, Canon, or Incumbent respectively, as the Case may be, and his Successors for ever.

Incumbent to reside within his Rectory or Parish.

XXII. And be it enacted, That every Canon who shall be Rector of any Rectory or Parish within the Limits aforesaid, and shall reside within such his Rectory or Parish during such Time as is by Law required in respect of such Rectory, and who shall also reside within his said Rectory or Parish during the Time by Law required in respect of his Canonry, and who shall duly perform during such Time all the Services required to be performed by him at the said Cathedral, shall be deemed and taken to have had a sufficient Residence in respect of his said Canonry.

Application of the Monies to be paid to the Commissioners by the Dean and Chapter.

Compensation to Persons having vested Rights, &c.

XXIII. And be it enacted, That the said Ecclesiastical Commissioners shall apply the Monies and Revenues to be paid to them as aforesaid by the said Chapter of the said Cathedral or Collegiate Church in manner following; that is to say, firstly, in making such Compensation as to the said Commissioners shall seem reasonable, either by way of yearly Payment or otherwise, to such Person or Persons, if any, as shall in the Judgment of the said Commissioners be entitled to any vested Right which shall be injured by the Operation of this Act, the said Commissioners being hereby authorized, in case they shall think fit, to make Compensation to the said Chaplains, Minor Canons, and Clerks of the said Cathedral or Parish Church, on the Terms hereinbefore mentioned, for the Fees payable to them in respect of Marriages, or for any One or more Description of Fees separately from and without interfering with any other Description of Fees that may be payable to the said Chaplains or Minor Canons and Clerks; secondly, in the Payment of such yearly or other Sum or Sums of Money as to the said Commissioners shall seem fit to each and every or any One

Payments to Incumbents.

or

or more of the Rectors, Incumbents, or Ministers of the Rectories, Parishes, or Districts now existing or hereafter to be constituted within the said Parish of *Manchester*, save to the Dean of the said Cathedral or Collegiate Church, in addition to the other Endowments and Surplice and other Fees belonging to such Rectors, Incumbents, or Ministers respectively: Provided always, that no Rector, Incumbent, or Minister shall in any One Year be paid by the said Commissioners, under the Provisions of this Act, more than will be sufficient, with other Endowments of his Rectory, Parish, or District, to make up his Income to One hundred and fifty Pounds for that Year, exclusive of Surplice Fees and other Ecclesiastical Dues and Pew Rents (if any), until all such Rectors, Incumbents, and Ministers shall be in the Receipt of the yearly Income of One hundred and fifty Pounds from the Endowments of their respective Rectories, Parishes, or Districts, and the Payments made by the said Ecclesiastical Commissioners, under the Provisions aforesaid, or from one of those Sources, exclusive of such Fees, Dues, and Pew Rents; and that so soon as each and every of such Rectors, Incumbents, and Ministers shall be in the Receipt of such yearly Income of One hundred and fifty Pounds, the said Ecclesiastical Commissioners shall proceed in like Manner to increase such Incomes until each and every of such Rectors, Incumbents, and Ministers shall be in the Receipt of the yearly Income of Two hundred and fifty Pounds: Provided also, that, except in the Case of Churches or Chapels in the Gift of the Crown and Bishop of the Diocese, either jointly, separately, or alternately, or of the Dean and Chapter of *Manchester*, and also except in the Case of Churches and Chapels already or hereafter to be endowed to the Extent of One thousand Pounds or upwards under the Provisions of any existing or future Act or Acts of Parliament, no such Increase shall be made to the Income of any Rectory or Incumbency, unless such Endowment or Augmentation as to the said Commissioners shall seem expedient shall have been first permanently secured to such Rectory or Incumbency from other Sources.

Commissioners to set aside surplus Monies for the permanent Endowment of Incumbents.

XXIV. And be it enacted, That the said Ecclesiastical Commissioners, after answering all the Purposes aforesaid, shall set aside and accumulate the Surplus of the Monies and Revenues so received by them, or a competent Part or Parts thereof, for the Purpose of raising a Fund for the permanent and independent Endowment of each and every of the said Rectors, Incumbents, and Ministers, and shall and may, from Time to Time, when and as sufficient Funds shall have been so accumulated, lay out and invest the same, or a competent Part or Parts thereof, in the Purchase of Lands, Tenements, and Hereditaments, or in the Public Stocks and Funds of *Great Britain*, and cause the same to be effectually settled and secured for the permanent and separate Endow-

ment

ment of the said several Rectories, Parishes, and Districts, in such Order as the said Commissioners shall think fit: Provided always, that the said Commissioners shall and may, if they shall think fit, but nevertheless always with the Consent of the said Dean and Canons, to be signified as aforesaid under their Common Seal, appropriate, for the Purpose of such permanent and separate Endowments respectively, by any Scheme to be so ratified as aforesaid, any Part or Parts of the Tithes, Tithe Rent-charge, Glebe or other Lands, Tenements, Hereditaments, Stocks, Funds, Monies, or Securities now vested in or held in trust for the said Dean and Canons in right of the said Rectory of *Manchester*: Provided nevertheless, that nothing in this Act contained shall be construed to give to or vest in the Rector of any separate Parish constituted under the Authority of this Act any Right or Title whatsoever, by reason or in right of such Rectory, to any Portion of the Tithes, Tithe Rent-charge, Glebe or other Lands, Tenements, or Hereditaments now vested in or held in trust for the said Dean and Canons in right of their Rectory or otherwise, unless and until any such Appropriation as aforesaid shall have taken place, and then so far only as such Appropriation shall extend.

Provision for abolishing Pew Rents, and providing free Seats.

XXV. And be it enacted, That the Pews and Seats in the said several Churches or Chapels, exclusive of the said Cathedral or Parish Church of *Manchester*, which are now legally liable to be let for Rent, may continue (subject as herein-after mentioned) to be so let, and the Rents and Income arising therefrom shall be applicable and be applied for the Purposes to which the same may now be applied; but that no Pews or Seats, other than such as are now liable to be so let, shall hereafter be let; and that the Seats and Pews in the said several Churches and Chapels which have not been heretofore appropriated shall henceforth continue and be free and unappropriated, and shall be occupied in such Manner as the Churchwardens, subject to the Control of the Bishop of the Diocese, shall from Time to Time direct: Provided always, that when and as any Income, Endowment, or Benefit shall under the Provisions of this Act be given to any Rector, Incumbent, or Minister of any Church or Chapel, exclusive as aforesaid, then, in case there shall at such Time be any Seats or Pews in such Church or Chapel let or legally liable to be let for Rent, Her Majesty's Commissioners for building new Churches, if they shall think fit, with the Consent of the Bishop of the Diocese for the Time being, if he shall think fit, shall order such Number as they shall deem proper of the Seats or Pews so let or liable to be let for Rent to be declared free, from and after such Time and subject to such Conditions, if any, as the said Commissioners shall think fit, and such Order shall specify the Seats or Pews so declared free, and shall be registered in the Registry of the Bishop

of the Diocese, and such Seats or Pews shall from and immediately after the Ratification of such Order be and continue for ever free, and a Plan of the Seats so declared free shall be forthwith placed in the Vestry of such Church or Chapel.

As to Pew Rents in Galleries of Cathedral Church.

XXVI. And whereas the Chaplains or Minor Canons of the said Cathedral or Parish Church have for many Years received, and applied for their own Use as of Right, the Rents of certain Pews or Seats in the Galleries of the said Cathedral or Parish Church, and also certain Chief or other Rents in the Nature of Chief or Quit Rents in respect of other Pews in the said Cathedral or Parish Church: Be it enacted, That no Chaplain or Minor Canon to be hereafter appointed shall receive any Sum of Money in respect of the said Pew Rents or Chief or other Rents respectively; but after the Vacation of the Office of the present Chaplains or Minor Canons, or either of them, by Death, Removal, or otherwise, the Share of such Pew or Chief or other Rents which would have accrued to the Chaplain or Minor Canon so vacating his Office shall thenceforth be paid to the Churchwardens for the Time being of the Parish of *Manchester*, and shall be invested by such Churchwardens in the Public Funds, and the same, and the Accumulations thereof (which shall be invested in like Manner), shall be deemed to be and shall be applied as a Fund for the Maintenance and Repair of so much of the Fabric of the said Cathedral or Parish Church as the Parishioners may be legally liable to repair, and for no other Purpose: Provided always, that the said Churchwardens shall annually return to the Bishop of the Diocese, at such Time and in such Form as he may direct, an Account of all Sums which they may from Time to Time receive in respect of the said Rents, and of the Mode of Expenditure thereof, and such Account so rendered shall be deposited by the said Bishop in the Registry of the said Diocese of *Manchester*: Provided also, that if any Appointment of a Chaplain or Minor Canon in the said Cathedral or Collegiate Church shall take place before sufficient Funds shall accrue from the annual Revenues of the Chapter to pay the Income of such Chaplain or Minor Canon, according to the Provisions of this Act, after first satisfying the Claims of the now existing Members of the Chapter, and after defraying all other Charges and Expenses which properly devolve upon the said Chapter, under the Authority of this Act or otherwise, the Chaplain or Minor Canon so appointed shall continue to receive the said Chief and other Rents in respect of the Pews in the Galleries of the said Cathedral or Parish Church as aforesaid, or such Portion of such Rents as together with the other Emoluments of his Office shall give him the aforesaid annual Income of Two hundred and fifty Pounds, anything in this Act to the contrary notwithstanding: Provided also, that nothing in this Act contained shall be construed to prevent or interfere

interfere with the Removal, when done with the Consent of the Bishop of the Diocese for the Time being, of any Gallery now being in the said Collegiate or Cathedral Church.

The Bishop to be Visitor of the College, and exercise all Powers, &c. under Letters Patent of Car. 1.

XXVII. And be it enacted, That the said Bishop of *Manchester* and his Successors shall henceforth be Visitors of the said College, in the Place and Stead of the Bishop of *Chester* for the Time being, and that the said Bishop of *Manchester* and his Successors shall and may exercise all such Power and Authority, as Visitor or otherwise, as under or by virtue of the said Letters Patent of King *Charles* the First or otherwise were given to or vested in the said Bishop of *Chester*.

For fencing the Ground to be provided in lieu of Walker's Croft, and providing a Chapel and Buildings, &c.

XXVIII. And be it enacted, That a competent Part or Parts of the said Sum of Twelve thousand nine hundred and ninety-nine Pounds One Shilling and Sixpence may be applied by the said Dean and Canons and the Churchwardens of the Parish of *Manchester* in or towards the fencing, levelling, draining, and otherwise improving any Burial Ground or Burial Grounds which shall be purchased or procured under the Powers of the said recited Acts relating to the said *Manchester and Leeds* Railway and the said Act for the Improvement of the Town of *Manchester*, or any or either of them, or otherwise, and also in erecting thereon a fit and proper Chapel or fit and proper Chapels for the Performance of Divine Service, and a fit and proper Residence or Residences for a Sexton, Watchman, or other Person or Persons for the Protection thereof respectively, or for the Discharge of Duties connected therewith, and in providing for such Chapel or Chapels and Residences respectively proper Furniture and Fittings.

Provisions of certain General Acts made applicable to this Act.

XXIX. And be it enacted, That all the Powers, Authorities, and Provisions contained in any Act enabling the Bodies Politic and Persons therein mentioned to give, grant, and convey, and the said Commissioners for building new Churches to accept, purchase, and take, Land for the Sites of Churches, and for settling the Amount or Value of the Satisfaction to be made for any Land taken by the said Commissioners, and relating to the Title, Form, and Mode of Conveyance of any Land so given or purchased or taken, and to Recovery in Ejectments, and to the Payment and Application of the Value or Purchase Money for any such Land so purchased or taken, shall extend to and may be used and applied by the said Ecclesiastical Commissioners and Her Majesty's Commissioners for building new Churches, as respectively provided by the said respective Acts, for obtaining any Land, Buildings, Dwelling Houses, Offices, Gardens, Yards, and Appurtenances for or as Houses of Residence or Sites of Houses of Residence necessary to be provided under this Act, and also

also any Land, Buildings, Dwelling Houses, Offices, Gardens, Yards, and Appurtenances for Sites for Churches or for Burial Grounds in the Districts or Parishes which may be formed and constituted under this Act.

Benefactions may be received towards Purposes of this Act.

XXX. And towards the Purpose of providing the necessary Funds for defraying the Costs, Charges, and Expenses of and incidental to the applying for and obtaining this Act, and for carrying the same into effect, be it enacted, That all the Powers and Provisions contained in the said recited Act of the Sixth and Seventh Years of the Reign of Her present Majesty, for enabling any Person or Persons or Body Corporate to give and grant to and vest in the said Ecclesiastical Commissioners for *England*, and for the said Commissioners to purchase, receive, take, hold, and enjoy, any Lands, Tithes, Tenements, and Hereditaments, Goods or Chattels, for the Purposes therein mentioned, shall extend and be applied to all and every the Purposes in this Act contained or referred to; and the said Commissioners shall not be obliged to proceed in the Execution of any of the Powers or Provisions of this Act until the Funds necessary for carrying the same respectively into effect shall have been paid into their Hands, or into the Hands of their Treasurer.

Assurances to be valid notwithstanding Statutes of Mortmain, &c.

XXXI. And be it enacted, That the Purchase, Grant, Release, Conveyance, or other Assurance of any Land, Buildings, Hereditaments, Rent-charge, Pews, or Seats, authorized or directed to be made or executed by or under the Provisions of this Act, shall be good and valid without any Licence or Writ of Ad quod damnum, the Statutes of Mortmain or any other Statute or Law to the contrary notwithstanding.

Notices of Citation, &c. how to be published.

XXXII. And be it enacted, That all Laws, Customs, and Usages for or relating to the Publication or affixing of any Citation or Monition, Notice or other Proceeding, in, on, to, or near any Parish Church, shall extend and apply to the Churches becoming Parish Churches under the Provisions of this Act; and that if the Subject Matter of such Citation, Monition, Notice, or other Proceeding shall extend to or affect more than One of such Parishes, the same shall be published or affixed in, on, to, or near the Churches of all the Parishes to which the same shall extend or relate.

Table of Fees to be fixed by Bishop of Diocese, and no double Fees to be taken.

XXXIII. And be it enacted, That, subject to the Provisions herein contained, it shall be lawful for the Bishop of the Diocese for the Time being, and he is hereby directed, at such Time and in such Manner as he may see fit, to establish and fix a Table of the Fees to be taken in the Parishes or Districts to be constituted under the Provisions hereof, for the Publication of Banns, and the Solemnization

and

and Performance of Marriages, Churchings, and Burials respectively, in addition to the Fees herein-before directed to be taken in such Parishes or Districts, and from Time to Time to vary the same as he shall see fit: Provided always, that so soon as such Fees so herein-before directed to be taken shall be no longer payable, One Set of Fees only shall be payable in any Case or on any Occasion, not exceeding in Amount the Fees payable in respect of such Rites and Services as aforesaid at the Parish Church of *Manchester*; and it shall not be lawful for the Rector or Minister of any such Parish or District thereafter to demand any other or larger Fee for such Duties and Offices respectively.

No Fees to be demanded for Baptisms.

XXXIV. And be it enacted, That from and after the passing of this Act it shall not be lawful, within the now-existing Parish of *Manchester*, for any Minister to demand any Fee for the Ministration of Baptism, or for the Registration thereof, upon any *Sunday* or other Holyday.

Accounts to be rendered yearly to Ecclesiastical Commissioners.

XXXV. And be it enacted, That the said Dean and Canons and their Successors shall yearly and every Year render to the said Ecclesiastical Commissioners an Account annually at *Easter* of the Receipts and Disbursements in respect of the said Tithes, Lands, Hereditaments, and Estates vested in the said Dean and Canons, for the Year ending at the *Christmas* next preceding, stating therein all the Particulars and Items of such Receipts and Disbursements, in such Form and to be so verified as the said Ecclesiastical Commissioners shall direct; and that it shall be lawful for the said Ecclesiastical Commissioners from Time to Time or at any Time or Times to appoint any Agent or Agents, Accountant or Accountants, to inspect all Papers, Writings, and Documents relating to such Tithes, Lands, Hereditaments, Estates, and Accounts, and to take Copies of or Extracts from the same or any of them; and that One Copy of such annual Account shall be transmitted by the said Commissioners to the Bishop of the Diocese, and the said Commissioners shall cause an Abstract of the same to be deposited in the Registry of the said Diocese of *Manchester* for the Time being.

Power to Agents, &c. to inspect Documents, &c.

Nothing herein contained to disappropriate Rectory of Manchester.

XXXVI. And be it enacted, That nothing herein contained shall be construed to extend to the Disappropriation of the Rectory of *Manchester*, but that the Appropriation shall continue as valid and effectual to all Intents and Purposes as if this Act had not been passed, nor shall the Cure of Souls in any Parish constituted under the Authority of this Act be assigned to the present Dean of *Manchester*, without his previous Consent in Writing.

Not to relieve the Members of the Chap-

XXXVII. Provided always, and be it enacted, That nothing herein contained shall relieve, otherwise than as herein expressly provided, the

ter from Liabilities, &c. otherwise than as expressly provided.

the said Dean and Chapter, or any Person now being or hereafter to be a Member of the Chapter of the said Cathedral or Collegiate Church, from any Liabilities, or from any Duties, Residence, or Services, now due or which ought to be fulfilled, kept, or performed by them or him respectively, but that all such Liabilities, Duties, Residence, and Services shall be fulfilled, kept, and performed by the said Dean and Canons, and by every such Person respectively, in like Manner as though this Act had not been passed.

Short Title of Act.

XXXVIII. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Instruments, Pleadings, and other Proceedings, it shall be sufficient to use the Expression "The Parish of *Manchester* Division Act, 1850."

Public Act, &c.

XXXIX. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such, and may be amended or repealed during the present Session of Parliament.

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Printers to the Queen's most Excellent Majesty. 1850.
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ANNO DECIMO TERTIO & DECIMO QUARTO

VICTORIÆ REGINÆ.

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which have been made out of any Borough Rate or Borough Rates for the said Borough respectively in respect of such Costs and Expenses shall be deemed to have been good Payments.

Districts set forth in such Charters to be deemed the Extent of Municipal Boroughs.

II. And be it enacted, That the Districts set forth in the said several Charters as those intended to be comprised in such Charters respectively shall be deemed and taken to be the Extent of such Municipal Boroughs respectively.

In case of future Charters, the Costs and Expenses may be paid out of the Borough Rate.

5 & 6 W. 4. c. 76.

III. And be it enacted, That when any Charter of Incorporation shall hereafter be granted by Her Majesty to any Town or Borough in *England* or *Wales*, in pursuance of the Provisions of an Act made and passed in the Session of Parliament held in the Fifth and Sixth Years of the Reign of King *William* the Fourth, intituled *An Act to provide for the Regulation of Municipal Corporations in* England *and* Wales, or of any Act or Acts which have been or may be passed to amend the same, it shall be lawful for the Council of such Town or Borough to pay the Costs and Expenses of and in relation to such Charter of Incorporation, and of and in relation to all Elections, Acts, and Proceedings under the same, out of any Borough Rate or Borough Rates to be made for such Town or Borough.

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of Lancaster, and One of the Vice Chancellors of the High Court of Chancery, to make Alterations in Forms and Mode of Proceedings.

by Writing under the Hand of the Lord High Chancellor or other Officer having the Custody of the Great Seal, or (if more than One) of the Chief Commissioner or Officer having such Custody, by any Rules or Orders to be by him from Time to Time made with such Advice and Consent as aforesaid, to make such Alterations as may seem to him expedient in the Form of Writs and Commissions, and the Mode of sealing, issuing, executing, and returning the same, and also in the Form of and Mode of filing Bills, Answers, Depositions, Affidavits, and other Proceedings, and in the Form or Mode of obtaining Discovery, by Answer in Writing or otherwise, and in the Form or Mode of pleading and of taking Evidence, and generally of proceeding to obtain Relief in the Court of Chancery of the said County Palatine, and in the general Practice of the Court, and also in the Form and Mode of proceeding before the Registrar of the said Court, and of drawing up and entering and enrolling Orders and Decrees, and of making and delivering Copies of Pleadings and other Proceedings, and also to regulate the Taxation, Allowance, and Payment of Costs, and all other the Business of the said Court; and all such Rules and Orders shall be binding from such Time as the said Chancellor, with such Advice and Consent as aforesaid, shall thereby direct, and shall have the same Force and Authority as if the same had been enacted by the Authority of Parliament: Provided always, that all such Rules and Regulations shall be laid before both Houses of Parliament within Five Days from the issuing thereof, if Parliament be then sitting, or, if not, then within Five Days from the next Meeting of Parliament: Provided also, that if either House of Parliament shall, by any Resolution passed before such House shall have sat Thirty-six Days from and after the said Orders and Regulations shall have been laid before it, resolve that the same or any Part thereof ought not to continue in force, then and in any such Case the Orders and Regulations affected by such Resolution shall cease to be binding on the said Court; and no Orders or Regulations to be made in pursuance of this Act shall be of any Effect unless expressed to be made in pursuance of the Power given by this Act, nor shall the same continue in effect after the Expiration of the Time herein provided for laying the same before Parliament, unless they be laid before Parliament accordingly.

Power to adopt and modify any Rules and Orders made or to be made by the High Court of Chancery.

II. Provided always, and be it enacted, That whenever, by or under the Authority of any Act of Parliament, passed or to be passed, or by any General Order of the High Court of Chancery, any Rules, Orders, or Regulations already have been or hereafter shall be made for the Purpose of framing, regulating, or amending the Proceedings, Practice, or Pleadings of the said High Court of Chancery, it shall be lawful for the Chancellor of the Duchy and County Palatine of *Lancaster*, with the Consent and Advice of the Vice Chancellor of the said County Palatine

Palatine, and of such Vice Chancellor of the High Court of Chancery as aforesaid, by Rules or Orders to be made in that Behalf, to adopt all or any of such Rules, Orders, or Regulations, or any Part or Parts thereof, with such Variations therein or Additions thereto as may be necessary or proper for adapting the same to the Business and Mode of proceeding of the Court of Chancery of the County Palatine; and such last-mentioned Rules and Orders, if expressed to be made in pursuance of the Authority of this Act, shall be valid and binding from the making and issuing thereof, or such other Time as shall be therein mentioned.

Not to abridge Power of the Chancellor and Vice Chancellor to alter the Practice of the Court, except so far as may be inconsistent with the Provisions of this Act.

III. Provided always, and be it enacted, That nothing herein contained shall extend to take away or abridge the Power heretofore possessed by the Chancellor of the Duchy and County Palatine of *Lancaster* and the Vice Chancellor of the said County Palatine, or either of them, of settling, altering, and amending the Practice and Course of proceeding in the said Court of the County Palatine, but such Power shall, notwithstanding anything herein contained, continue and have the same Force and Effect as if this Act had not been passed, save and except so far as the Exercise of such Power may in any respect be repugnant to or inconsistent with the Provisions herein contained, and save also that neither the said Chancellor nor Vice Chancellor alone shall alter or vary any Order made by the said Chancellor, with such Advice and Consent as aforesaid.

Power to the Chancellor of the Duchy to regulate Fees.

IV. And be it enacted, That the Chancellor of the Duchy and County Palatine of *Lancaster* for the Time being, by and with the Advice and Consent of the Vice Chancellor of the said County Palatine for the Time, shall have full Power and Authority, by any General Orders to be from Time to Time made after this Act shall take effect, to make such Regulations as to the Fees to be paid by Suitors, or to be charged by or allowed to all or any of the Officers of the said County Palatine, and by or to the Solicitors thereof, as to him may seem expedient, and to alter the same, with such Advice and Consent as aforesaid, when and as he may think fit.

A List of Fees authorized to be taken to be hung up in Registrar's Office; and Officers of the Court taking Fees not authorized to be deemed guilty of a Contempt of Court.

V. And be it enacted, That a Table of all Fees for the Time being authorized by the said Chancellor and Vice Chancellor of the said County Palatine to be taken by any Officer of the said County Palatine Court, or by any Solicitor practising in the said Court, for Business done therein, shall be hung up in some conspicuous Place in the Office of the Registrar of the said Court; and that if any Officer of the Court shall, for anything done or pretended to be done relating to his Office or Employment, or under colour of doing anything relating to his Office or Employment, wilfully demand or receive, or allow any Person to receive for him or on his Account, any Fee, Gratuity, or Emolument

Emolument, or anything of Value, other than what shall be allowed to be taken by him as aforesaid, the Person so offending shall be deemed guilty of a Contempt of Court, and shall be punishable, according to the Discretion of the said Court, as for a Contempt.

Registrars to hear and determine certain interlocutory Matters.

VI. And be it enacted, That the Registrar of the said County Palatine Court shall hear and determine all Applications for Time to plead, answer, or demur, and for Leave to amend Bills, and for enlarging Publication, and all such other Matters relating to the Conduct of Suits and Proceedings in the said Court as the Chancellor of the Duchy and County Palatine of *Lancaster*, with the Advice and Consent of the Vice Chancellor of the said County Palatine, shall by any General Orders from Time to Time direct, in such Manner and subject to such Regulations as by such General Orders shall be directed.

Subject to Appeal to the Vice Chancellor.

VII. And be it enacted, That it shall be lawful for either Party to appeal, by Motion, from the Order made by the Registrar on such Applications as aforesaid, to the Vice Chancellor of the said County Palatine, and that the Order made on such Appeal shall be final and conclusive, and that no such Application directed to be heard and determined by the Registrar as aforesaid shall in future be heard by the Chancellor of the Duchy and County Palatine aforesaid, nor shall any such Application be heard by the Vice Chancellor of the said County Palatine, except on Appeal as herein-before provided.

Costs on interlocutory Matters.

VIII. And be it enacted, That it shall be lawful for the said Registrar, on all Applications made to him by virtue of this Act, to direct that the Costs of all or any of the Parties shall be Costs in the Cause or Matter, or to award such liquidated Sum by way of Costs to any of the Parties as he shall think reasonable, and the Costs so to be awarded shall be recoverable in like Manner as Costs directed to be paid by an Order of the said County Palatine Court.

Power to Registrar to assign Guardians to infant Defendants or Persons of unsound Mind.

IX. And be it enacted, That in every Case where an Infant or Person of unsound Mind, not found to be a Lunatic by any Inquisition, shall be named as Defendant in any Suit in the said County Palatine Court, it shall be lawful for the Registrar of the said Court to assign a Guardian to such Defendant, for the Purpose of putting in the Answer and defending such Suit, and to make and sign his Certificate thereof.

Special Cases may be submitted to the Court for its Opinion.

X. And be it enacted, That if any Persons shall be desirous of obtaining the Opinion of the Court on the Construction of a Deed, Will, or other Instrument, or on any other Matter in dispute over which the Court may have Jurisdiction, by virtue of this Act or otherwise, it shall be

be lawful for such Persons to present a Petition to the Court, stating the Facts of the Case, the Draft of which shall be signed by Counsel, and the Name of such Counsel shall appear on the Petition, as signing the same on behalf of the Parties thereto, and the Court on hearing such Petition may make such Declaration of Rights in respect of the Subject Matter thereof as to the Court shall seem proper, and such Declaration shall be binding on all Persons in the same Manner and to the same Extent, and subject to Appeal in the same Manner, as a Decree made on the Hearing of a Cause in which any One or more of the Parties to the Petition could be Plaintiffs and the other Parties or Party Defendants, and in which the Facts stated in the Petition had been proved: Provided always, that in case any Infant, Lunatic, or Person of unsound Mind, or any married Woman in respect of her Real Estate, or of any reversionary Interest in Personal Estate, shall be interested in the Matter of such Petition, he or she shall not be made a Party thereto unless and until the Case to be stated in such Petition shall have been submitted to the Registrar, and shall be certified by him to be correctly stated as to the Facts, and to be a proper Case to be submitted to the Court on the Behalf of the Party under such Disability as aforesaid; and the Registrar, before granting such Certificate, shall require such Facts to be verified by Affidavit, and shall also require the Assent to such Case of the Husband of any married Woman, and of the Committee of any Lunatic, and of the Guardian *ad litem* of any Infant or Person of unsound Mind, which Guardian may be appointed in the same Manner as in the Case of a Party Defendant to a Suit.

Court may exercise summary Jurisdiction, so far as regards Persons, &c. within the same, as exercised by High Court of Chancery.

XI. And be it enacted, That when under or by virtue of any Act of Parliament already made and passed or which may hereafter be made and passed, or by any Orders or Regulations made in pursuance thereof, Application is authorized or allowed to be made by Petition or Motion or otherwise to the High Court of Chancery or any Judge of the said Court, and summary Jurisdiction to be exercised thereon, (unless in any Act of Parliament to be hereafter passed the contrary be expressly enacted,) it shall be lawful for the Court of Chancery of the said County Palatine, so far only as regards all Persons and Property within its Jurisdiction, to exercise the like summary Jurisdiction, and in the same Manner, and subject to the same Restrictions, in all respects as the said High Court of Chancery or any Judge thereof might exercise in the like Matters.

Money paid into Court under 8 & 9 Vict. c. 18. for Lands within the County

XII. And be it enacted, That all Monies payable in respect of Lands situate within the said County Palatine, and which are authorized to be paid into or deposited in the Bank of *England* to the Account of the Accountant General of the High Court of Chancery,

Palatine, and under 10 & 11 Vict. c. 96., may be paid into the Bank of England, to the joint Account of the Clerk and Registrar.

cery, under and by virtue of the "Lands Clauses Consolidation Act, 1845," or any Local or Special Act passed or to be passed incorporating the Provisions of the said last-mentioned Act, or otherwise authorizing the taking or using of Lands situate in the said County Palatine, and also that all Monies or Securities held by any Party who might be sued in the Court of Chancery of the said County Palatine in respect thereof, and which under and by virtue of an Act made and passed in the Parliament held in the Tenth and Eleventh Years of the Reign of Her present Majesty, intituled *An Act for better securing Trust Funds, and for the Relief of Trustees*, might be in like Manner paid or transferred into or deposited in the Bank of *England*, to the Account of the said Accountant General, may, from and after the passing of this Act, be in like Manner paid or transferred into or deposited in the Bank of *England*, to the joint Account of the Clerk of the Council of the Duchy of *Lancaster* and of the Registrar and Comptroller of the said County Palatine Court in the Matter in respect whereof such Payment, Transfer, or Deposit shall be made, and the Receipt of one of the Cashiers of the said Bank shall be a full Discharge to the Person paying or transferring or depositing the same; and such Monies and Securities, and all Costs of Application in respect thereof, shall be dealt with by the said Court of Chancery of the County Palatine in the same Manner as the same might be dealt with by the High Court of Chancery or by the Lord High Chancellor, or any of the Judges of the said High Court, if such Monies or Securities had been paid or transferred into or deposited in the Bank of *England* to the Credit of the Accountant General of that Court; and the Lands in respect of which such Payment, Transfer, or Deposit shall be made may be dealt with in the same Manner as if it had been made in manner prescribed by the Lands Clauses Consolidation Act: Provided always, that no Monies shall be so paid or deposited under or by virtue of the "Lands Clauses Consolidation Act, 1845," or any Local or Special Act as aforesaid, in case the Party who would have been entitled to the Rents and Profits of the Lands in respect of which such Monies shall be payable, or his or her Guardian or Committee in case of Infancy or Lunacy, shall at any Time before such Payment or Deposit serve or cause to be served a Notice in Writing at the Office of the Company taking the Lands, requesting them not to make the Payment or Deposit.

Power to the Vice Chancellor, when out of the Limits of the Jurisdiction of the Court, to hear and

XIII. And be it enacted, That in all Matters over which the said Court of the said County Palatine may have Jurisdiction it shall be lawful for the Vice Chancellor for the Time being of the said County Palatine, when out of the Limits of the Jurisdiction of the said Court, to hear and determine all Pleas, Demurrers, Exceptions, Applications for Injunctions, both upon Notice and *ex parte*, for dissolving Injunctions,

Injunctions, for the Appointment of Receivers, for the Payment of Money into and out of Court, or for confirming Reports, and all Motions, Petitions, and other Matters for facilitating the Progress of any Suit or Business pending in the said Court which he might lawfully hear and determine within the Limits of the Jurisdiction thereof; and all Orders made by him upon the hearing of any Pleas, Demurrers, Exceptions, and Applications as aforesaid shall be as valid and binding upon the Parties as if the same had been made within the Limits of the Jurisdiction of the said Court.

determine Pleas, Demurrers, and other interlocutory Matters.

Orders made upon hearing valid.

XIV. And be it enacted, That in all Cases where any Person who shall have commenced any Suit or other Proceeding, or entered an Appearance in any Suit or Proceeding, in the said Court of the County Palatine, or shall have come in as a Creditor, Claimant, or Purchaser, or otherwise submitted to the Jurisdiction of the said Court, cannot, by reason either of his Person or Goods being out of such Jurisdiction, be made amenable to the Process of such Court, and also in all Cases where any such Person as aforesaid shall have died, or become bankrupt or insolvent, and his Real or Personal Representatives, or the Assignees of his Estate and Effects, (as the Case may be,) or any of them, who may be necessary Parties to the Continuance of the said Suit or Proceeding, shall be out of the Jurisdiction of the said Court, it shall be lawful for the Vice Chancellor of the said County Palatine, upon special Application being made to him, whether within or without the said County, by any Party to or Person interested in such Suit or Proceeding, founded upon an Affidavit verifying the Facts of the Case, to order and direct that Service of any Order, Notice, Subpœna, Letter Missive, or other Process shall be made and be deemed good Service upon any such Person, Real or Personal Representative, or Assignee as aforesaid, at any Place within the United Kingdom of *Great Britain* and *Ireland* or the *Isle of Man*, upon such Terms and in such Manner as to the said Vice Chancellor shall seem reasonable and proper, and afterwards, if it shall be necessary, upon an Affidavit of such Service had, to order an Appearance to be entered for the Person so served; and thereupon it shall be lawful for the said County Palatine Court to make such Decree or Order consequent upon such Service so made as aforesaid as before the passing of this Act, or under the Provisions of this Act, might have been made in case such Service as aforesaid had been duly made within the Jurisdiction of the said Court.

Power to the Vice Chancellor, in certain Cases, to direct Process to be served upon Persons out of the Jurisdiction of the Court.

XV. And be it enacted, That whenever a Plaintiff or Defendant in any Suit or Proceeding in which a Decree or Order shall have been made by the said County Palatine Court shall reside or withdraw his Person or Goods out of the Jurisdiction of the said Court, and also whenever any Decree or Order of the same Court cannot be fully enforced by

Where Decree or Order cannot be enforced by reason of the Party to be bound thereby not

being within the Jurisdiction, it shall be enforced by making it an Order of the High Court of Chancery.

by reason of the Nonresidence of any Party to be bound thereby within the Jurisdiction of the said Court, then and in every such Case it shall be lawful for Her Majesty's High Court of Chancery, upon the Application of any Person entitled to the Benefit of such Decree or Order, and upon the Production of a Transcript of such Decree or Order, or such Part thereof respectively as cannot be enforced for the Reasons aforesaid, under the Signature of the Registrar of the said County Palatine Court, and an Affidavit that by reason of such Nonresidence or Removal as aforesaid such Decree or Order, or such Part thereof as aforesaid, cannot be enforced, to make such Decree or Order, or so much thereof respectively as cannot be enforced for any of the Reasons aforesaid, a Decree or Order of the said High Court of Chancery, and thereupon such Decree or Order, or such Part thereof respectively as aforesaid, shall and may be enforced against such of the Parties bound by the same as shall be within the Jurisdiction of the said High Court of Chancery, and all Proceedings shall and may be had thereupon as if such Decree or Order had been originally made by the said High Court of Chancery, and all the reasonable Costs and Charges of and consequent upon such Application shall and may be recovered in like Manner as if the same were Part of such Decree or Order.

No Petition of Appeal to be presented but within Six Months after Date of Decree or Order appealed from.

XVI. And be it enacted, That from and after the Commencement of this Act no Petition of Rehearing by way of Appeal from any Decree or Order made by the Vice Chancellor for the Time being of the said County Palatine shall be presented but within the Space of Six Calendar Months from the Time of making the same, unless the Chancellor of the said Duchy and County Palatine, upon special Application being made to him for that Purpose, and after hearing Counsel upon the Merits of the Case, shall otherwise direct: Provided nevertheless, that the Vice Chancellor of the said County Palatine shall, at his own Discretion, be at liberty to hear Petitions for Rehearing, and also to rehear any Matters previously decided by him in the Court of the said County Palatine; but any Order made on such Rehearing shall be deemed an original Order, with reference to the Right to appeal therefrom.

Service of Subpœna on Witnesses out of Jurisdiction to be valid to compel Attendance;

XVII. And be it enacted, That the Service of every Writ of Subpœna to attend and give Evidence, or Subpœna duces tecum, hereafter to be issued out of the said County Palatine Court, and served upon any Person out of the Jurisdiction thereof, shall be as valid and effectual for compelling the Attendance of such Person at any Time and Place to be named in such Writ of Subpœna, to be there examined, either before the Registrar of the said Court, as well in his Capacity of Examiner as in that of Master of the said Court, or before Commissioners under any Commission to be issued by the said

said Court for the Examination of Witnesses, or to be examined *vivâ voce* at the Hearing of any Matter or Suit before the said Court or before the Registrar, or for compelling the Attendance of such Person by virtue of any Writ of Subpœna duces tecum, and shall entitle the Party suing out the same to all the like Remedies, by Action and otherwise, as if the same had been served within the Jurisdiction of the said Court; and in case the Person so served shall not attend according to the Exigency of such Writ, it shall be lawful for the said County Palatine Court, upon Affidavit of the personal Service of such Writ, to transmit a Certificate of such Default, under the Hand of the Registrar of the said Court, to the Court of Queen's Bench in *England*, to the Court of Justiciary in *Scotland*, or to the Court of Queen's Bench in *Ireland;* and the said last-mentioned Courts respectively shall and may thereupon proceed against and punish, by Attachment or otherwise, according to the Course and Practice of the said respective Courts, the Person so having made default, in such and the like Manner as they might have done if such Person had refused or neglected to appear in obedience to a Writ of Subpœna or other Process issued to compel the Attendance of Witnesses out of such last-mentioned Courts respectively.

and the Courts of Queen's Bench in England and Ireland and the Court of Justiciary in Scotland may proceed against and punish Persons making default.

XVIII. Provided always, and be it enacted, That the said last-mentioned Courts respectively shall not in any Case proceed against or punish any Person, nor shall any such Person be liable to any Action, for having made Default by not appearing in obedience to any Writ of Subpœna or Writ of Subpœna duces tecum or other Process for that Purpose issued under the Authority of this Act, unless it be made to appear to such Courts respectively that a reasonable and sufficient Sum of Money to defray the Expenses of coming and attending to give Evidence, and of returning from giving such Evidence, had been tendered to such Person at the Time when such Writ of Subpœna or Writ of Subpœna duces tecum or other Process was served upon him.

Persons not liable to Action for not attending, unless Expenses be tendered on serving Subpœna.

XIX. And be it enacted, That it shall be lawful for any Commissioner for taking Affidavits to be made use of in Causes, Matters, and Things depending in the Court of the Duchy Chamber of *Lancaster* at *Westminster*, or for any Master Extraordinary of the High Court of Chancery, to administer an Oath to or take the Affirmation (where allowed by Law) of any Person out of the Jurisdiction of the said County Palatine Court who shall be desirous of making an Affidavit to be used in any Suit or Matter pending before such last-mentioned Court; and every such Affidavit so sworn or affirmed as aforesaid shall be as valid and effectual for all the Purposes for which the same shall be required as if the same had been sworn or affirmed before

Affidavits sworn before Commissioners or Masters Extraordinary by Persons out of Jurisdiction to be effectual, and Persons forswearing themselves to be guilty of Perjury.

before the proper Officer of the said County Palatine Court within the Jurisdiction of the Court; and every Person wilfully forswearing himself or making false Affirmation in such Affidavit, and being lawfully convicted thereof, shall be liable to the Penalties of wilful and corrupt Perjury.

Power to Chancellor of the Duchy to appoint a Messenger of the Court.

XX. And be it enacted, That it shall be lawful for the Chancellor of the Duchy and County Palatine of *Lancaster* for the Time being to appoint a fit and proper Person resident within the County Palatine of *Lancaster*, to be and to be called "The Messenger of the "Court of Chancery of the County Palatine of *Lancaster*," to attend upon the said County Palatine Court, and to execute the Process thereof; and from Time to Time, upon the Death, Resignation, or Removal of any such Person to appoint a Successor to the said Office; and that the Person so appointed as aforesaid shall hold his Office during the Pleasure of the said Chancellor, and may be removed in a summary Manner, and may and shall receive such Fees for executing the Process of the said Court as the said Chancellor and the Vice Chancellor of the said County Palatine shall from Time to Time, by any General Order to be made in pursuance of the Provisions herein-after contained, authorize and direct.

Keeper of Lancaster Castle to receive Persons arrested and conveyed thither by Messenger, and to produce and deal with them as Court shall direct.

XXI. And be it enacted, That the Gaoler or Keeper for the Time being of Her Majesty's Gaol at *Lancaster* called *Lancaster Castle* is hereby authorized and required to receive into his Custody in such Gaol every Person arrested and conveyed thither by such Messenger as aforesaid, by virtue of any Writ, Warrant, or other Process issuing out of the said County Palatine Court, and to produce and deal with such Person as the said Court shall from Time to Time direct; and every such Person as aforesaid shall be maintained and provided for in the same Manner as if he had been arrested and brought to such Gaol by virtue of any Writ, Warrant, Order, or other Process issued out of the Court of Common Pleas of the said County Palatine, or any of the Superior Courts of Law or Equity at *Westminster*, or committed for Contempt of any of the said last-mentioned Courts; and all the Expenses of maintaining and providing for every Person so arrested or committed to the said Gaol as aforesaid shall be defrayed out of such Portion of the County Rate of the said County Palatine as for the Time being shall be applicable to the Support of the Debtors confined in the said Gaol.

After Appointment of Messenger, Duties of Messenger of Duchy to cease within its Limits.

XXII. And be it enacted, That from and after the Appointment of such Messenger as aforesaid all and singular the Powers, Authorities, and Duties of the Messenger for the Time being of the Duchy of *Lancaster*, and of any Deputy appointed by him, shall absolutely cease and determine within the Limits of the said County Palatine.

XXIII. And

XXIII. And whereas it is expedient that the Jurisdiction of the said County Palatine Court in Cases of Lunacy should be abolished: Be it therefore enacted, That from and after the passing of this Act all the Power, Authority, and Jurisdiction of the said County Palatine Court over the Persons and Estates of Idiots and Lunatics within the Limits of the said County Palatine shall cease and determine, except as to the Cases of those Persons who shall at the Time of the Commencement of this Act have been found to be of unsound Mind under or by virtue of any Commission issuing from the said County Palatine Court, in all which last-mentioned Cases the Authority and Jurisdiction of the said Court of the County Palatine shall continue in as full Force and Effect as if this Act had not been passed, anything herein contained to the contrary notwithstanding.

Jurisdiction of County Palatine Court over Persons of unsound Mind abolished, except as to Cases of Persons found insane before the Commencement of this Act.

XXIV. And for removing all Doubts in respect of the Effect of an Act passed in the Second Year of the Reign of Her present Majesty, intituled *An Act for abolishing Arrest on Mesne Process in Civil Actions, except in certain Cases, for extending the Remedies of Creditors against the Property of Debtors, and for amending the Laws for the Relief of Insolvent Debtors in* England, whereby it was enacted, that all Decrees and Orders of Courts of Equity whereby any Sum of Money, or any Costs, Charges, or Expenses, should be payable to any Person, should have the Effect of Judgments in the Superior Courts of Common Law, and the Persons to whom any such Monies, or Costs, Charges, or Expenses, should be payable were to be deemed Judgment Creditors within the Meaning of the said Act, and all Powers thereby given to the Judges of the Superior Courts of Common Law with respect to Matters depending in the same Courts should and might be exercised by Courts of Equity with respect to Matters therein depending, and all Remedies thereby given to Judgment Creditors were in like Manner given to Persons to whom any Monies, or Costs, Charges, or Expenses, were by such Orders or Rules respectively directed to be paid, and also as to the Effect of the several Acts passed in the Sessions of Parliament held in the Second and Third Years and in the Third and Fourth Years of the Reign of Her Majesty amending the said recited Act, be it declared and enacted, That all the Remedies, Authorities, and Provisions of the recited Act, so amended as aforesaid, and of the said Acts amending the same, applicable to Her Majesty's Superior Courts of Common Law at *Westminster*, and the Judgments and Proceedings therein, do extend and are applicable to the Court of Chancery of the County Palatine of *Lancaster* within the Limits of the Jurisdiction thereof, and shall have the same Effect in all respects as the Judgments of any of Her Majesty's said Superior Courts at *Westminster* under and by virtue of the said recited Act, amended as aforesaid; and all Powers and Authorities thereby given to

Certain Provisions of 1 & 2 Vict. c. 110. as to Decrees and Orders in Equity to apply to County Palatine Court.

to the Judges or any Judge of Her Majesty's Superior Courts at *Westminster*, with respect to Matters depending in the same Courts, shall and may be exercised by the Chancellor of the said Duchy or Vice Chancellor of the said Court of the County Palatine with respect to Matters therein depending and within the Jurisdiction thereof: Provided always, that no Decree or Order of the said last-mentioned Court shall by virtue of the said recited Act or this Act affect any Lands, Tenements, or Hereditaments, as to Purchasers, Mortgagees, or Creditors, unless and until a Memorandum or Minute, containing the Name, and the usual or the last known Place of Abode, and the Title, Trade, or Profession of the Person whose Estate is intended to be affected thereby, and the Name of the Court, and the Title of the Cause or Matter in which such Decree or Order shall have been made, and the Date of such Decree or Order, and the Amount of the Sum of Money, Costs, Charges, or Expenses thereby made payable, shall be left with the Prothonotary or Deputy Prothonotary of Her Majesty's Court of Common Pleas at *Lancaster*, or some other Officer to be appointed for that Purpose by the said Court, who shall forthwith enter the same Particulars in a Book in alphabetical Order, by the Name of the Person whose Estate is to be affected thereby; and such Officer shall be entitled for every such Entry to the Sum of Two Shillings and Sixpence; and all Persons shall be at liberty to search the same Book, on Payment of the Sum of One Shilling.

No Decree or Order of Court to affect any Lands, &c. until the Particulars shall have been left with the Prothonotary, and entered in a Book.

Fees payable for such Entry.

Power for Chancellor of Duchy to abolish Office of Clerk in Court, and admit all Attornies and Solicitors to practise in the Court of Chancery of the County Palatine.

XXV. And be it enacted, That it shall be lawful for the Chancellor of the Duchy and County Palatine of *Lancaster* (if he shall think fit), by an Order under his Hand, to direct that all Attornies and Solicitors of any of the Superior Courts of Law or Equity at *Westminster*, and all Attornies of the Court of Common Pleas at *Lancaster*, on being registered as by this Act provided, may appear and prosecute or defend any Suit or Proceedings in the Court of Chancery of the said County Palatine, and that the Office and Privileges of the Clerks in Court of the said Court shall cease and determine accordingly; and thereupon the said Chancellor, with the Advice and Consent of the Vice Chancellor of the Court of Chancery of the County Palatine, shall and he is hereby empowered to make all such Orders as may be necessary or proper in respect of or consequent on the Abolition of the said Office.

Power to grant Compensation to Clerks in Court for Losses occasioned by Abolition of Office.

XXVI. Provided always, and be it enacted, That in case the Chancellor of the said Duchy and County Palatine shall make such Order as aforesaid for the Determination of the Office of Clerks in Court, it shall be lawful for the said Chancellor and he is hereby required, at any Time within Six Calendar Months after the Date of such Order, to receive any Claims which may be made for Compensation by any Person holding that Office at the Time of such Order, in

respect

respect of Loss occasioned by the Abolition of the Office, and to award and determine the Amount, if any, of Compensation proper to be allowed to such Claimant, either in a gross Sum or by way of Annuity for Life, having regard to the Loss sustained, and the Conditions on which any such Clerk in Court may have been appointed to his Office, and to any Notice which may have been given to him that the same was to be held subject to the Abolition or Regulation thereof; and for the Purposes aforesaid the said Chancellor shall have full Power to examine the said Clerks in Court or any other Persons upon Oath, and to compel the Attendance of all such Persons, and the Production of all necessary Books, Papers, and Accounts and Documents; and the said Chancellor shall, after such Inquiry, certify under his Hand the Amount of Compensation proper to be paid to every such Clerk in Court as aforesaid.

Admission Fee to be paid by Solicitors desirous of practising in Court of Chancery of the County Palatine.

XXVII. And be it enacted, That in case of the Abolition of the said Clerks in Court, every Attorney or Solicitor desirous of practising in the Court of Chancery of the said County Palatine shall enter or cause to be entered his Name and Address with the Registrar of the said Court; and that, until all Compensation to be awarded to the Clerks in Court or any of them shall have been paid and satisfied, such Sum, not exceeding Five Pounds, as the Chancellor of the said Duchy and County Palatine shall, by any General Order to be inserted in the Table of Fees, from Time to Time direct, shall be paid by or on behalf of every such Attorney or Solicitor to the Registrar, before his Name shall be entered with the said Registrar; and the Monies so paid shall be paid by the Registrar into Court to an Account to be entitled the "Fee Fund Account;" and further, that until all Monies awarded as Compensation to the said Clerks in Court or any of them shall have been paid and satisfied, it shall be lawful for the Chancellor of the Duchy and County Palatine of *Lancaster* to direct that the Fees, or such Portions as he shall think proper of any of the Fees to be allowed by such Table of Fees as in this Act is directed to be kept, shall be paid to the Registrar, to be by him paid into Court to the Account of the said Fee Fund.

Application of Fees.

Payment of Compensation out of Fee Fund, or, in case of Deficiency, out of Revenues of the Duchy, to be repaid out of Fee Fund.

XXVIII. And be it enacted, That the Compensation to be awarded to the said Clerks in Court or any of them shall be paid from Time to Time out of the Fee Fund; and if the same be insufficient, then out of the general Revenues of the said Duchy, as the said Chancellor of the said Duchy and County Palatine shall by Warrant or Order under his Hand from Time to Time direct; but in case of their being paid out of the Revenues of the said Duchy, the same shall be repaid to the Receiver General of the said Duchy out of the Fee Fund, as the said Chancellor shall from Time to Time by Order under his Hand direct; and the Payments directed to be made to the

said Fee Fund shall continue until such Repayment, and all other Repayments directed to be made by this Act out of the same, shall have been made.

Power to the Chancellor of the Duchy to direct that the Registrar be paid by Salary.

XXIX. And be it enacted, That if the Chancellor of the Duchy and County Palatine of *Lancaster* for the Time being shall at any Time think fit to direct, by Warrant under his Hand, that a fixed Salary shall be paid to the Registrar of the Court of Chancery of the said County Palatine, in lieu of Fees, then and thenceforth there shall be paid and payable out of the said Fee Fund, or if the same be not sufficient for that Purpose, then by the Receiver General for the Time being of the Duchy of *Lancaster*, out of the Revenues of the said Duchy, as and for the Salary to the Registrar for the Time being of the said Court of the County Palatine, such annual Sum as the Chancellor for the Time being of the said Duchy and County Palatine shall from Time to Time, by Warrant under his Hand, authorize and direct; and such Salary shall grow due from Day to Day, but shall be payable on such Days as the said Chancellor shall by such Warrant as aforesaid direct, and shall be paid to the Person entitled thereto, or his Executors or Administrators, free from all Deductions out of the same, except the Tax on Income; and all Payments made out of the Revenues of the said Duchy shall be repaid out of the said Fee Fund.

Registrar to make out an Account of all Fees received by him, and have the same audited by the Vice Chancellor.

XXX. And be it enacted, That, in the event of such fixed Salary being awarded, the said Registrar for the Time being shall once in every Year, or oftener, if required by the Chancellor of the said Duchy, on such Day as shall be appointed for that Purpose by the Vice Chancellor of the said County Palatine, make out a full and true Account of all Fees received by him by virtue of his Appointment during the preceding Year, or subsequent to his last Account, and shall have such Account audited by the Vice Chancellor, who is hereby required to audit the same, and if found correct to allow the same by putting his Signature thereto and to a Duplicate Copy thereof; and that in such Account and Audit there may and shall be charged and allowed such Sums of Money as to the said Vice Chancellor shall seem reasonable for the Rent, Taxes, and cleaning of the Offices where the Business of the County Palatine Court is transacted, for providing the said Offices with Coals, Candles, and other necessary Articles, and for the Books and Stationery supplied by such Registrar for carrying on the Business of the said Offices, and for Salaries of Clerks, Expenses of Journeys, Postages, and Carriage of Parcels, and all other incidental and necessary Expenses.

Duplicate of Account to be transmitted to

XXXI. And be it enacted, That the said Registrar shall within Ten Days after every such Account shall be so audited as aforesaid transmit the Duplicate Copy of such Account, signed by the Vice

Chancellor as before directed, to the Auditor for the Time being of the Duchy of *Lancaster*.

Auditor of Duchy.

XXXII. And be it enacted, That the said Registrar shall from Time to Time, when he shall transmit the Duplicate Copy of the said Account of Fees to the Auditor for the Time being of the said Duchy of *Lancaster*, as before directed, at the same Time pay into Court to the "Fee Fund Account" the total Amount of Fees which by such Account shall appear to be due from the said Registrar; and the said Chancellor of the Duchy and County Palatine of *Lancaster* in such Case may and is hereby authorized and empowered to take from the Registrar for the Time being of the said County Palatine Court such Security, by Bond, Recognizance, or otherwise, as to the said Chancellor shall seem fit, binding such Registrar, together with One or more sufficient Surety or Sureties, in such penal Sum or penal Sums as to the said Chancellor shall seem meet, for the due accounting for all Fees and for all Sums of Money which shall be received by such Registrar by virtue of his Appointment, or under any Order of the said County Palatine Court respectively in any Matter or Suit pending in the said Court.

Registrar to pay Fees to Account of Duchy Fee Fund, and to give Security to account for all Fees and Suitors Money received by him.

XXXIII. And be it enacted, That it shall be lawful for the said Chancellor of the Duchy and County Palatine of *Lancaster*, after he shall have directed a fixed Salary to be paid to the Registrar as aforesaid, from Time to Time to appoint, by Writing under his Hand, such competent Persons as he shall think fit to act either as District or as Deputy Registrars of the said Court of Chancery of the said County Palatine during the Pleasure of the Chancellor for the Time being of the said Duchy and County Palatine, and to assign to any District Registrar a District; and such District Registrars within their Districts; and such Deputy Registrars, shall and may have and exercise all such Powers and Authorities in respect of any Matters referred to them by the said Court by any General or Special Order as might be exercised by the Registrar; and the Fees, or Salary payable out of Fees, payable to every such District or Deputy Registrar shall be such as the Chancellor of the said Duchy and County Palatine, with the Advice and Consent of the Vice Chancellor of the County Palatine, shall direct, and shall be included in the Table of Fees hereby directed to be kept; and the Acts of such District or Deputy Registrars in respect of all Matters referred to them by the said Court shall be as valid and effectual, and subject to Revision, in the same Manner as if they were performed by the Registrar of the Court.

Power for Chancellor to appoint District or Deputy Registrars.

XXXIV. Provided always, and be it enacted, That it shall not be lawful for any Registrar, District or Deputy Registrar, of the said Court, during the Time he shall hold and exercise the Office of Registrar,

Registrars not to practise as Solicitors in the Court.

trar, District or Deputy Registrar, of the said Court, either directly or indirectly, by himself, his Partner, Clerk, or other Person, to practise in the said Court of Chancery of the County Palatine, either as Solicitor originally retained for any Party in any Matter pending in the said Court, or as Agent for any other Attorney or Solicitor practising in the said Court, nor participate in any Fees payable to any Attorney or Solicitor so practising; and that any Registrar, District or Deputy Registrar, being proved to the Satisfaction of the said Court for the Time being to have so practised, or to have participated in any Fees as aforesaid, contrary to the Meaning and Intent of this Act, shall be deemed to have committed a Contempt of Court, and shall be liable to Dismissal from his Office, or to the Payment of such Fine, or liable to such other Punishment, as to the said Court for the Time being shall seem fit.

Court to have Jurisdiction as to Costs, but Orders to be subject to Appeal.

XXXV. And be it enacted, That in all Proceedings under and by virtue of this Act there shall be the same Jurisdiction as to Costs vested in the said Court of the County Palatine as such Court could exercise in any other Cause or Matter; and the Orders of the said Court made in pursuance of this Act shall be subject to Appeal in the same Manner in all respects as any other Orders of the Court.

Interpretation of Terms.

XXXVI. And be it enacted, That in this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,) "the said County Palatine Court" shall mean the Court of Chancery of the County Palatine of *Lancaster;* Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number; and Words importing the Masculine Gender only shall include Females as well as Males; and Words importing Individuals shall include Bodies Corporate.

Commencement of Act.

XXXVII. And be it enacted, That this Act shall commence and take effect on the First Day of *November* One thousand eight hundred and fifty.

Act may be amended, &c.

XXXVIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

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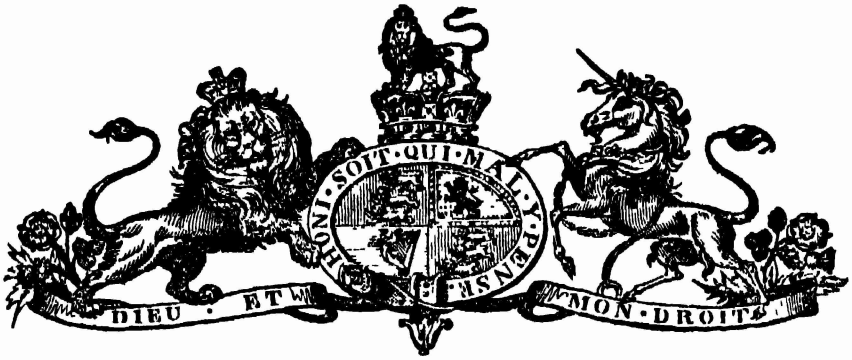

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CAP. XLIV.

An Act for taking an Account of the Population of *Ireland*. [29th *July* 1850.]

WHEREAS it is expedient that an Account of the Population of *Ireland* be taken: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That such Account be taken at the Time and in the Manner herein-after directed.

Account of Population to be taken.

II. And be it enacted, That such Officers and Men of the Police Force of *Dublin* Metropolis, and of the Constabulary Force, as the Lord Lieutenant or other Chief Governor or Governors of *Ireland* shall direct, together with such other competent Persons as the said Lord Lieutenant or other Chief Governor or Governors shall appoint to assist therein, shall, upon the Thirty-first Day of *March* and One or more next consecutive Days in the Year One thousand eight hundred and fifty-one, as the said Lord Lieutenant or other Chief Governor or Governors shall fix, severally visit every House within such Districts as may be assigned to them respectively, and take an Account in Writing, according to such Instructions as may be given

By whom the Account shall be taken.

 to

to them by the Chief or Under Secretary to the said Lord Lieutenant or other Chief Governor or Governors, of the Number of Persons dwelling therein, and of the Sex, Age, and Occupation of all such Persons, distinguishing the Persons born in the Place or Parish and County in which they shall be then dwelling; and shall also take an Account of the Number of inhabited Houses and of uninhabited Houses, and of Houses then building within such Districts respectively; and shall also distinguish those Parishes and Places, or Parts of Parishes and Places, within each District respectively, which are within the Limits of any City or Borough returning a Member or Members to serve in Parliament; and shall also take an Account of all such further Particulars as by such Instructions they may be directed to inquire into, such Particulars and Instructions having no Reference to the Religion of any Person or Persons.

Masters, &c. of Gaols, &c. to be appointed Enumerators of the Inmates thereof.

III. And be it enacted, That the Master or Keeper of every Gaol, Prison, or House of Correction, Workhouse, Hospital, or Lunatic Asylum, and every Barrack Master, and every Master or Keeper of every public or charitable Institution which shall be determined upon by the said Lord Lieutenant or other Chief Governor or Governors, shall act as the Enumerator of the Inmates thereof, and shall be bound to conform to such Instructions as shall be sent to him by the Authority of the said Lord Lieutenant or other Chief Governor or Governors for obtaining the Returns required by this Act, so far as may be practicable with respect to such Inmates.

Forms, &c. to be furnished for their Use.

IV. And for the more effectual obtaining of such Accounts, be it enacted, That the said Chief or Under Secretary shall prepare and cause to be printed such Forms and Instructions for the Use of the several Persons who shall be appointed as aforesaid to take or certify the said Accounts as he shall deem necessary.

Power to make the Inquiry.

V. And be it enacted, That the better to enable such Persons to take the said Accounts they are hereby authorized and empowered to ask all such Questions of all Persons within their respective Districts, respecting themselves or the Persons constituting their respective Families, and of all such further Particulars as shall be directed by their said Instructions, or shall be necessary for the Purpose of taking the said Accounts.

Penalty for refusing to answer, or for giving false Answers.

VI. And be it enacted, That every Person refusing to answer or wilfully giving a false Answer to any such Questions, and every Person in any way wilfully obstructing such Persons in the Execution of the Duties required of them under this Act, shall for every such Refusal, false Answer, or wilful Obstruction, on Proof thereof being made before any Two Justices of the Peace of the County in which such Persons shall

shall reside, on the Testimony of One or more credible Witnesses, forfeit a Sum not exceeding Five Pounds, at the Discretion of the said Justices before whom such Complaint shall be so made.

Penalty on Persons employed if guilty of wilful Default or Neglect.

VII. And be it enacted, That every Member of the said Police or Constabulary Forces, or other Person, who shall be so appointed to take the said Accounts or to assist therein, who shall make any wilful Neglect, Default, or Falsification in any Matters relating to the said Accounts, shall for every such Neglect, Default, or Falsification, on Proof thereof being made before any Two Justices of the Peace of the County in which he shall so act, on the Testimony of One or more credible Witnesses, forfeit a Sum not exceeding Five Pounds nor less than Forty Shillings, at the Discretion of the said Justices before whom such Complaint shall be so made.

Penalties how to be recovered and applied.

VIII. And be it enacted, That the Amount of such several Forfeitures which may be received under this Act shall, if not immediately paid, be levied by Warrant under the Hands and Seals of any Two Justices of the Peace of the County, in such Manner as is directed by a certain Act passed in the Sixth and Seventh Years of the Reign of Her present Majesty, intituled *An Act for the better Collection of Fines, Penalties, Issues, Deodands, Amerciaments, and forfeited Recognizances in* Ireland, *and for the Appropriation thereof*, or any Act of the present Session in force for the better Collection of Fines, Penalties, Issues, and forfeited Recognizances in *Ireland*, and that the Amount of such Forfeitures, when so paid or levied, shall be paid, one Half to the Informer, and the other Half to the Credit of and to be appropriated in the same Manner as the surplus Fund under such Act.

6 & 7 Vict. c. 56.

The Persons taking the Accounts to certify and affirm as to their Correctness, and deliver them to the Officer appointed to receive them.

Such Officer to transmit them to the Office of the Chief Secretary.

IX. And be it enacted, That the said several Persons so appointed to take the said Accounts, or to assist therein, shall sign and certify the same, and make solemn Affirmation before any Justice of the Peace within the County, to the Effect that the said Account has been truly and faithfully taken by him (or them), and that to the best of his (or their) Knowledge the same is correct, so far as may be known, and shall deliver the same to such Officer of the said Police or Constabulary Forces, or other Person as may be appointed by the said Lord Lieutenant or other Chief Governor or Governors to receive the same, within each County, City, Town, or Place; and such Officer or Person shall examine the same, and cause any Defect or Inaccuracy which may be discovered therein to be supplied or corrected so far as may be possible, and shall certify and transmit the same to the Office of the said Chief or Under Secretary, in such Manner and within such Time as the said Lord Lieutenant or other Chief

Chief Governor or Governors shall direct, and the same shall be digested and reduced into Order under the Direction of the said Chief or Under Secretary, by such Persons as the said Lord Lieutenant or other Chief Governor or Governors shall appoint for that Purpose; and that an Abstract thereof shall be laid before both Houses of Parliament within Twelve Months after the Day on which the said Account shall be taken, or (if Parliament be not then sitting) within the first Fourteen Days of the Session next ensuing.

An Abstract thereof to be laid before Parliament.

Punishment of Persons wilfully making false Affirmation or Declaration.

X. And be it enacted, That every solemn Affirmation or Declaration made or signed under the Authority of this Act shall be of the same Force and Effect as if the Person making such Affirmation or Declaration had taken an Oath in the usual Form, so that if the Person making such Affirmation or Declaration shall be convicted of having therein wilfully and falsely affirmed or declared any Matter or Thing, he shall be subject to the same Pains, Penalties, and Forfeitures to which Persons convicted of wilful Perjury are subject.

Act may be amended this Session.

XI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

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preparing Lists, and also for the proceeding to ballot and enrol Men for the filling up Vacancies in the Militia of the United Kingdom or any Part thereof, as Her Majesty shall deem expedient; and upon the issuing of any such Order all such Proceedings shall be had for carrying into execution all the Provisions of the Acts in force in *England*, *Scotland*, and *Ireland* respectively relating to the giving Notices for and Returns for Lists, and for the balloting and enrolling of Men to supply any Vacancies in the Militia, and holding General and Subdivision Meetings for such Purpose, at such Times respectively as shall be expressed in any such Order in Council, or by any Directions given in pursuance thereof to Lord Lieutenants, or Deputy Lieutenants acting for Lord Lieutenants, of the several Counties, Shires, Ridings, Cities, and Places in *Great Britain*, or to the Governors and Deputy Governors of Counties and Places in *Ireland*, or to the Warden and Special Deputy Wardens of the Stannaries; and all the Provisions of the several Acts in force in *England*, *Scotland*, and *Ireland* respectively relating to the Militia and Corps of Miners in *Cornwall* and *Devon* shall, upon any such Order, and Direction given in pursuance thereof, become and be in full Force and be carried into execution at the Period specified in such Order or Direction as aforesaid, with all such Penalties and Forfeitures for any Neglect thereof, as fully as if such Periods had been fixed in the Acts relating to such Militia and Miners.

Act to extend to Wardens of Stannaries and to Corps of Miners.

III. And be it enacted, That this Act shall be construed to extend to the Warden and Special Deputy Wardens of the Stannaries and Corps of Miners in *Cornwall* and *Devon*, as fully as if they were severally repeated in every Clause, Provision, Direction, and Authority herein contained.

Act may be amended, &c.

IV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

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Act may be amended, &c.

II. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

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Abuses committed by Weavers, Sewers, and other Persons employed in the Linen, Hempen, Union, Cotton, Silk, and Woollen Manufactures in Ireland, *and for the better Payment of their Wages:* And whereas an Act was passed in the Session of Parliament holden in the Seventh and Eighth Years of the Reign of Her present Majesty, intituled *An Act to amend, and continue for Five Years, and to the End of the next Session of Parliament, certain Acts relating to Linen, Hempen, and other Manufactures in* Ireland: And whereas it is expedient that the first herein-before recited Act, and the secondly and thirdly and fourthly herein-before recited Acts, should be continued, subject to the respective Amendments thereof: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said first herein-before recited Act, except as to such Parts thereof as have been repealed by the said secondly herein-before recited Act, and subject to the Amendments thereof in the said subsequent recited Acts contained, and the said secondly and thirdly and fourthly herein-before recited Acts, subject to the respective Amendments thereof, shall be continued and shall be and remain in force from the passing of this Act for One Year, and until the End of the then next Session of Parliament.

7 & 8 Vict. c. 47.

Continuation of Acts.

II. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

Act may be amended this Session.

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Secretary at War to issue the Money required for Pay of Regular Militia.

and Commons, in this present Parliament assembled, and by the Authority of the same, That the Secretary at War for the Time being shall cause to be issued and paid the whole Sum required for the Regular Militia of *Great Britain* and *Ireland* (when disembodied), in the Manner and for the several Uses herein-after mentioned; (that is to say,) for the Pay of the said Regular Militia at the Rates following; (that is to say,)

Rates of Pay.

For each Adjutant, Eight Shillings *per Diem:*

For each Serjeant Major, having been Serjeant Major of a Provisional Battalion of Militia, Two Shillings and Sixpence *per Diem*

For each Serjeant Major, where One is appointed in Corps consisting of Two or more Companies, One Shilling and Ten-pence *per Diem:*

For each Serjeant, having been a Colour Serjeant in One of the Provisional Battalions of Militia, Two Shillings *per Diem:*

For each Serjeant, One Shilling and Sixpence *per Diem:*

Rates of Pay when absent on Furlough.

Provided always, that when any Serjeant Major or Serjeant shall be absent on Furlough or Licence he shall during such Absence receive Sixpence *per Diem* less than the above-mentioned Rates respectively;

Clothing.

And also for the Clothing of the Regular Militia (when disembodied), in Cases in which full Clothing shall be provided by the Colonel or Commandant, at the Rate of Five Pounds Twelve Shillings and One Penny for each Serjeant Major, and Three Pounds for each Serjeant, and so in proportion in the Cases in which only Part of the Clothing shall be provided by the Colonel or Commandant, together with the actual Expense of Package and Carriage, and such Charges for altering and fitting the Clothing as shall have been sanctioned by the Secretary at War: Provided always, that such Serjeant Majors and Serjeants as were serving on the Disembodied Staff on the First Day of *June* One thousand eight hundred and twenty-nine, and shall be resident at Head Quarters, shall be entitled to be clothed once in Two Years; and that such as shall have been subsequently appointed to serve or promoted on the Disembodied Staff shall be entitled to be clothed once in Four Years:

Contingent Fund.

And also at the Rate of Sixpence *per Annum* for each Private Man for defraying the contingent Expenses of each Regiment, Battalion, or Corps.

Adjutant, &c. to reside where the Secretary at War shall appoint.

II. And be it enacted, That, except when employed as herein-after provided, every Adjutant and Non-commissioned Officer on the Staff of the Regular Militia, when disembodied, shall reside in such Places as shall be sanctioned by the Secretary at War; and every such Adjutant and Non-commissioned Officer shall forfeit his Pay for any Period during which he shall be absent, except when

employed

employed as herein-after provided, or when absent by Leave from the Colonel or Commandant of the Regiment, Battalion, or Corps, which Leave shall not, except in case of certified Sickness, extend beyond Three Calendar Months in One Year, nor to a greater Proportion than One Third of the Non-commissioned Officers at the same Time.

Adjutants and Non-commissioned Officers of Militia may be employed in their Counties.

III. And be it enacted, That every Adjutant and Non-commissioned Officer of the Regular Militia, when disembodied, and not called out for Training or Exercise, shall be liable to be employed within the County to which the Regiment, Battalion, or Company of the said Militia Staff belongs, under the Officers appointed to pay and superintend the Out-Pensioners of *Chelsea* Hospital, in such Manner as One of Her Majesty's Principal Secretaries of State may determine.

Adjutant to have Charge of the Arms and Clothing, and to issue the Money for contingent Expenses on an Order signed by the Colonel.

IV. And be it enacted, That the Adjutant of each Regiment of Militia shall have the Charge and Care of the Arms, Accoutrements, Great Coats, Clothing, Necessaries, and other Stores thereof, under the Superintendence of the Colonel or Commandant, and shall, out of the Allowance of Sixpence *per Annum* for each Private Man directed by this Act to be issued and paid for defraying the contingent Expenses of such Regiment, Battalion, or Corps, from Time to Time issue and pay such Sums of Money as may be necessary for the Repair of Arms, and other usual contingent Expenses, upon an Order in Writing signed by the Colonel or other Commandant, and after Payment of such Sums as aforesaid he shall Three Times in the Year make up Accounts of all such Money, and of the Expenditure thereof, showing the Balance remaining in his Hands, (which said Balance shall form a Stock Purse for the Use of the Regiment, Battalion, or Corps,) and shall transmit the same to the Colonel or other Commandant of such Regiment, Battalion, or Corps, to be by him examined, allowed, and signed; and the said Accounts, so allowed and signed, shall be the proper Vouchers and Acquittal of such Adjutant for the Application and Disposal of such Money.

Balance to form a Stock Purse.

In Absence of the Adjutant, the Serjeants to be under the Command of the Serjeant Major.

V. And be it enacted, That in the occasional and unavoidable Absence of the Adjutant from the City, Town, or Place where the Disembodied Staff is quartered, or during any Vacancy in the Appointment of Adjutant, the Serjeants shall be under the Command of the Serjeant Major, or of some Serjeant who shall be appointed by the said Adjutant, with the Approbation of the Colonel or other Commanding Officer, to act as Serjeant Major during the Absence of such Adjutant; and the said Serjeant Major or acting Serjeant Major shall render the same Returns and perform such other Acts as are by Law required from the Adjutant.

VI. And

Militia when called out for Training or Exercise entitled to Pay.

VI. And be it enacted, That the Officers and Non-commissioned Officers, Drummers, and Private Men of the Regular Militia shall, for the Period or Periods during which they shall be called out for the Purpose of Exercise or Training, be entitled to the same Pay and Allowances as the Officers, Non-commissioned Officers, Drummers, and Private Men of the Militia when embodied.

Allowances to Subalterns and Surgeons Mates and Assistant Surgeons.

VII. And whereas it is expedient to grant Allowances to certain Officers of the said Militia Forces of *Great Britain* and *Ireland* while disembodied, under certain Regulations: Be it enacted, That the following Allowances shall be made and paid, to the Amount, under the Restrictions, and in the Manner herein-after expressed, to every Subaltern Officer and Surgeon's Mate in *Great Britain*, and to every Subaltern Officer and Assistant Surgeon in *Ireland*, who held a Commission in the Militia of *Great Britain* or *Ireland*, and was serving therein, when the Corps was last disembodied, and also to every Supernumerary Subaltern Officer and Assistant Surgeon of any Regiment of Militia in *Ireland* which was augmented during the War, and which has been reduced to its original Establishment; (that is to say,)

To a Lieutenant, Two Shillings and Sixpence *per Diem:*

To an Ensign, Two Shillings *per Diem:*

And to a Surgeon's Mate or Assistant Surgeon, Two Shillings and Sixpence *per Diem:*

Rank of certain Officers.

Provided always, that for the Purposes of this Act all Officers of the Militia serving with the Rank of Captain Lieutenants shall be deemed to be Lieutenants, and all Officers serving with the Rank of Second Lieutenant shall be deemed to be Ensigns; and that the Supernumerary Subalterns and Assistant Surgeons of Regiments of Militia in *Ireland* as aforesaid shall be deemed to have belonged to such Regiments when they were last disembodied, and to have continued to serve therein from that Time.

Certain Persons not entitled to Allowances.

VIII. Provided also, and be it enacted, That no Person who is or shall during the Continuance of this Act become possessed of such an Estate or Income as would by Law qualify him to hold the Commission of Captain of a Company in the said Militia, or who is or shall be appointed Adjutant in any Regiment, Battalion, or Corps of Militia, nor any Officer on Full Pay of the Navy, Army, or Marines, shall have or be in any way entitled to the said Allowances, or any Part or Share thereof.

A Declaration to be taken to entitle Officers, &c. to such Allowances.

IX. And be it enacted, That the Subaltern Officers, Surgeons Mates, and Assistant Surgeons of the Militia, who shall claim under the Authority of this Act to receive any Part of the said Allowances, shall, previous to receiving the same, and in order to entitle themselves thereto, take and subscribe a Declaration before some one

one of Her Majesty's Justices of the Peace of the United Kingdom, Notary Public, or other Officer now by Law authorized to administer or receive such Declaration, or before some one of Her Majesty's Ministers, Secretaries of Embassy, of Legation, or Consuls abroad, in the Words or to the Effect following; (*videlicet*,)

Form of Declaration.

'I *A.B.* do solemnly and sincerely declare, That I belonged to the ' of Militia when the same was disembodied, ' and that I have continued to serve therein from that Time until ' the Day of inclusive, as a [Lieutenant, ' Ensign, Surgeon's Mate, *or* Assistant Surgeon, *as the Case may be*]; ' and that I was not, in my own Right or in the Right of my Wife, ' during any Part of the Period for which I now claim to receive my ' Allowance, (that is to say,) from the Day of ' to the Day of both ' inclusive, in the actual Possession and Enjoyment or Receipt of the ' Rents and Profits of Lands, Tenements, or Hereditaments of such ' an annual Value above Reprizes as would qualify me to hold a ' Commission of Captain of a Company in the Militia; that I was ' not in Holy Orders; that I have not during the above Period held ' the Appointment of Adjutant, Surgeon, Paymaster, or Quarter-' master in any Regiment, Battalion, or Corps of Militia; that I did ' not hold or enjoy, nor did any Person for me hold or enjoy, during ' the said Period, any Place, Office, or Employment of Profit, Civil ' or Military, under the Crown or any other Government, besides ' the Allowance of a Day now claimed, except ' my Half Pay as a [of the Army *or* ' Navy *or* Marines, *or* of a Provisional Battalion formed from the ' Militia, *as the Case may be*], and any Pay and Allowances from the ' to the both Days inclusive, during which ' Period the Corps was assembled for Training and Exercise.'

Which Declaration, so taken and subscribed, shall be produced to the Paymaster General of Her Majesty's Forces by the Subaltern Officer, Surgeon's Mate, or Assistant Surgeon claiming the Allowance.

Secretary at War may place certain Officers unfit for Duty upon a retired Allowance, upon making the following Declaration.

X. And be it enacted, That it shall be lawful for the Secretary at War to place any such Lieutenant, Ensign, and Surgeon's Mate of the Militia of *Great Britain*, or Subaltern Officer and Assistant Surgeon of the Militia of *Ireland*, when unfit for further Duty, upon a retired Allowance equal to and instead of the Allowance granted on the disembodying of the Militia at the Termination of the War; and all such Subalterns, Surgeons Mates, and Assistant Surgeons, to entitle them to the Receipt of such retired Allowance, shall make and subscribe the following Declaration; (*videlicet*,)

Form of Declaration.

'I do solemnly and sincerely declare, That I ' formerly served as a in the ' Militia; that I am not in Holy Orders; and that from the

'Day of to the Day of
'I did not hold or enjoy any Place or Employment of Profit, Civil
'or Military, under Her Majesty, or in the Colonies or Possessions of
'Her Majesty beyond the Seas, or under any other Government,
'besides my Allowance of per Diem as a of the
'said Militia, except my Half Pay or Civil Pension as a

Allowances to Officers reduced in 1829.

XI. And be it enacted, That the Allowances granted to certain Paymasters, Surgeons, and Quartermasters of the Militia of *Great Britain* and *Ireland*, on their being reduced, in pursuance of an Act passed in the Tenth Year of the Reign of His Majesty King *George* the Fourth, shall be issued and paid, under the Restrictions and in the Manner herein-after expressed, during the Continuance of this Act; and that it shall be lawful for the Secretary at War to place any such Paymaster, Surgeon, or Quartermaster, when unfit for further Duty, upon a retired Allowance equal to and instead of his reduced Allowance.

A Declaration to be taken by Officers claiming the said Allowances.

XII. And be it enacted, That every Paymaster, Surgeon, and Quartermaster of Militia, who shall claim under the Authority of this Act to receive any Part of the said Allowances, shall, previous to receiving the same, and in order to entitle himself thereto, take and subscribe a Declaration before some one of Her Majesty's Justices of the Peace in the United Kingdom, or Notary Public, or other Officer now by Law authorized to administer or receive such Declaration, or before some one of Her Majesty's Ministers, Secretaries of Embassy, of Legation, or Consuls abroad, in the Words or to the Effect following; (that is to say,)

Form of Declaration.

'I *A.B.* do solemnly and sincerely declare, That I was serving as
'[Paymaster, Surgeon, *or* Quartermaster, *as the Case may be*,] in
'the of Militia at the Reduction of the Staff
'of the said Militia in One thousand eight hundred and twenty-
'nine; and that I was not in Holy Orders during any Part of the
'Period for which I now claim to receive an Allowance, that is to
'say, from the Day of One thousand eight
'hundred and to the Day of One
'thousand eight hundred and ; and that I did not
'hold or enjoy, nor did any Person for me hold or enjoy, during any
'Part of the said Period, any Place, Office, or Employment of Profit,
'Civil or Military, under the Crown or any other Government,
'besides the Allowance of a Day now claimed,
'except my Half Pay as a [of the Army *or* Navy
'*or* Marines, *or* of a Provisional Battalion formed from the Militia,
'*as the Case may be*], and except my Pay and Allowances from
'the to the both Days inclusive,
'during which Period the Militia was assembled for
'Training and Exercise.'

Which

Which Declaration, so taken and subscribed, shall be produced to the Paymaster General of Her Majesty's Forces by the Paymaster, Surgeon, or Quartermaster claiming the Allowance: Provided always, that any Paymaster, Surgeon, or Quartermaster receiving such Allowance, and being on Naval or Military Half Pay, or entitled to any Allowance as having served in any of Her Majesty's Regular Forces, or Navy or Marines, shall, notwithstanding such Militia Allowance, be entitled to receive such Half Pay or Allowance.

Out-Pension to Reduced Non-commissioned Officers and Drummers not to be received while serving.

XIII. And whereas certain Non-commissioned Officers and Drummers of the Militia of the United Kingdom of *Great Britain* and *Ireland* have, on the Reduction of the Establishment of the Disembodied Staff, been placed on the Out-Pension, although not unfit for further Service: Be it enacted, That no Non-commissioned Officer or Drummer so placed on Pension shall be entitled to receive the said Pension for any Period during which he shall be receiving Pay in the Militia.

Subalterns, Mates, &c. to attend the Exercise, &c.

XIV. And be it enacted, That every Paymaster, Surgeon, or Quartermaster on the reduced Allowance, and every Subaltern Officer, Surgeon's Mate, and Assistant Surgeon of the Militia, who shall be entitled or claim to be entitled to any Allowances as aforesaid, shall regularly attend the Exercise and Training of the Regiment, Battalion, or Corps to which he belongs during the whole of the Time it shall be assembled for that Purpose, and shall during the said Time punctually do and perform his Duty as a Paymaster, Surgeon, Quartermaster, Subaltern Officer, Surgeon's Mate, or Assistant Surgeon of such Regiment, Battalion, or Corps, on pain of forfeiting the said Allowance, as well as all Arrears of the said Allowance and of Pay; and a Certificate of his having so attended, and performed his Duty, signed by the Commanding Officer of the Regiment, Battalion, or Corps to which he may belong, shall be transmitted to the Paymaster General by the Officer claiming the Allowance: Provided always, that in case any such Paymaster, Surgeon, Quartermaster, Subaltern Officer, Surgeon's Mate, or Assistant Surgeon, claiming to be entitled to such Allowance, shall by his Commanding Officer be permitted or suffered, for any special Cause or unavoidable Necessity, to be absent during the whole or any Part of such Exercise, for which Purpose it shall be lawful for such Commanding Officer to grant such Leave of Absence, then and in such Case it shall be lawful for such Paymaster, Surgeon, Quartermaster, Subaltern Officer, Surgeon's Mate, or Assistant Surgeon, who may be so permitted to be absent, and have such Leave in Writing, to demand and receive the said Allowances and every Part thereof in like Manner as if he had attended during the whole of the said Exercise: Provided always, that the Reason for such Absence, as well as the Duration

Commanding Officers may grant Leave of Absence.

tion thereof, shall be carefully and truly specified in a Certificate (in lieu of that before mentioned) to be signed by the Commanding Officer, and to be furnished as soon as conveniently may be to the Paymaster General.

If the Regiment be not called out before the Time fixed for the Payment, the Allowance shall be paid, on making the Declaration, without Certificate of Attendance.

XV. Provided always, and be it enacted, That in case any Regiment, Battalion, or Corps of Militia shall not, before the Time fixed for the Payment of the said Allowances, be called out for the Exercise and Training thereof, every Paymaster, Surgeon, Quartermaster, Subaltern Officer, Surgeon's Mate, and Assistant Surgeon belonging to any such Regiment, Battalion, or Corps, and coming within the aforesaid Benefits of this Act, who shall have made and subscribed the Declaration herein-before mentioned before any Justice of the Peace or other Person as aforesaid, shall be entitled to the said Allowance as if he had regularly attended the Exercise and Training of such Regiment, Battalion, or Corps during the whole of the Time by Law appointed for that Purpose, and as if a Certificate of such Attendance, signed by the Commanding Officer of the Regiment, Battalion, or Corps, had been furnished.

Allowances to be paid quarterly.

XVI. And be it enacted, That upon such Declarations and Certificates as aforesaid, or where any Regiment of Militia shall not have been called out to their Exercise as aforesaid, upon the said Declarations being produced to the Paymaster General, the Paymaster General shall pay to the said Paymasters, Surgeons, Quartermasters, Subaltern Officers, Surgeons Mates, and Assistant Surgeons their respective Allowances above mentioned for the usual quarterly or other proper Periods, without any Deduction whatsoever, save and except that provided by an Act passed in the Fifth and Sixth Years of the Reign of Her present Majesty, intituled *An Act for granting to Her Majesty Duties on Profits arising from Property, Professions, Trades, and Offices, until the Sixth Day of* April *One thousand eight hundred and forty-five,* or by any other Act which may be passed continuing the Payment of such Duties for a further Period, the Declarations and Certificates before mentioned to be by him preserved and produced as Vouchers for the Payments.

5 & 6 Vict. c. 35.

On Neglect of Attendance, Subalterns, &c. shall forfeit their Claim to the Allowance.

XVII. And be it enacted, That the Paymasters, Surgeons, Quartermasters, Subaltern Officers, Surgeons Mates, and Assistant Surgeons of Militia, entitled or claiming to be entitled to the aforesaid reduced or disembodied Allowances, shall at all Times be liable to serve in the respective Regiments, Battalions, or Corps to which they belong whenever the same shall be embodied and called out upon active Service; and in case of Neglect or Refusal to attend when called upon, on such Occasion, or on such other Occasions as may be required in pursuance of the Laws in force respecting the Militia when disembodied,

disembodied, every such Paymaster, Surgeon, Quartermaster, Subaltern Officer, Surgeon's Mate, and Assistant Surgeon shall, on such Neglect or Refusal being certified to the Secretary at War, and, in respect of the Militia of *Great Britain*, to the Lord Lieutenant of the County, by the Colonel or other Commandant of the Regiment, Battalion, or Corps to which such Paymaster, Surgeon, Quartermaster, Subaltern Officer, Surgeon's Mate, or Assistant Surgeon shall belong, forfeit his Claim to the said Allowance and every Part thereof, and shall also be considered as having resigned and vacated his Commission to all Intents and Purposes whatsoever.

Allowance not to be paid while the Militia is embodied.

XVIII. And be it enacted, That nothing in this Act contained shall extend or be construed to extend to entitle any Paymaster, Surgeon, Quartermaster, Subaltern Officer, Surgeon's Mate, or Assistant Surgeon as aforesaid to the said Allowance or any Part thereof during the Time the Militia to which he belongs shall be embodied or assembled for Training and Exercise.

Persons on Half Pay, or entitled to Allowance as having served in the Army or Navy, empowered to receive Pay, &c. during Training.

XIX. Provided always, and be it enacted, That any Person, being on Naval or Military Half Pay, or being entitled to any Allowance as having served in any of Her Majesty's Regular Forces or Navy or Marines, and serving in the Militia, may receive the Pay and Allowances by this Act directed to be paid to the Field Officers, Captains, Lieutenants, Ensigns, Adjutants, Quartermasters, Surgeons, Surgeons Mates, and Assistant Surgeons, when assembled for annual Training; and the receiving any such Pay and Allowances by any such Field Officer, Captain, Lieutenant, Ensign, Adjutant, Quartermaster, Surgeon, Surgeon's Mate, or Assistant Surgeon shall not prevent such Person on Half Pay, or being entitled to any such Allowance, from receiving his Half Pay or such Allowance: Provided always, that such Person shall, in the Declaration to be taken for the Receipt of the Half Pay or such Allowance, declare that he has received or is entitled to such Militia Pay and Allowances, and shall specify the Militia Rank which entitles him to the same.

Adjutants, &c., Non-commissioned Officers or Privates, not to lose their Right to Chelsea or Kilmainham Pensions, &c.

XX. Provided always, and be it enacted, That no Adjutant, Quartermaster, Non-commissioned Officer, Drummer, or Private Man in the Regular Militia, entitled to receive any *Chelsea* or *Kilmainham* Pension or Allowance on account of Service in the Regular Army, shall forfeit or lose his Right to the same by reason of his serving and receiving Pay in the Regular Militia; nor shall any Quartermaster, Subaltern Officer, Surgeon's Mate, or Assistant Surgeon forfeit or lose his Right to receive any such *Chelsea* or *Kilmainham* Pension or Allowance by reason of his receiving the Allowance by this Act granted to him when disembodied.

Allowance to be made for Medicines.

XXI. And be it enacted, That there shall be granted for each Regiment of Regular Militia, when disembodied, a Sum of Money after the Rate of One Guinea for every One hundred Men of each such Regiment, for the Expense of necessary Medicines for the sick Non-commissioned Officers, Drummers, Fifers, and Private Men of such Regiment, during the Period or Periods of Assembly for Exercise or Training, and also an Allowance of Two-pence *per* Week for each of the Non-commissioned Officers of each Regiment on the Disembodied Staff at Head Quarters, for the Expense of necessary Medicines and Attendance given to the said Non-commissioned Officers while such Regiment is not called out for Training and Exercise.

Adjutants appointed before 24th Dec. 1814 entitled to receive, after a Service of 20 Years, if unfit for further Service, an Allowance of 8s. per Day; provided they do not hold certain other Appointments.

XXII. And be it enacted, That every Adjutant of Regular Militia appointed as such before the Twenty-fourth Day of *December* One thousand eight hundred and fourteen, who shall have served faithfully, either in Her Majesty's Regular Forces or in the Regular or Local Militia, for the full Term of Twenty Years in the whole, whereof Ten shall have been in Service as an Adjutant of Regular Militia, and who shall be by Age or Infirmity rendered unfit for further Service, shall, on producing to the Secretary at War a Certificate of such Service of Twenty Years as aforesaid from the Commanding Officers of the different Corps to which he shall have belonged, and upon obtaining an Order from the Secretary at War founded upon such Certificate, be entitled to receive, and the Paymaster General shall pay to such Person, an Allowance at the Rate of Eight Shillings *per Diem*: Provided always, that no Person shall be entitled to receive such Allowance as aforesaid who shall hold any Military Office or Employment of Profit under Her Majesty or any other Government; and that no Person who before the First Day of *June* One thousand eight hundred and twenty-nine held any Civil Place or Employment of Profit under the Crown, or in the Colonies or Possessions of Her Majesty beyond the Seas, or under any other Government, shall receive any Part of the said Allowance for any Time during which he held such Civil Place or Employment, except in the Cases in which the Emoluments of such Civil Place or Employment shall not exceed Three Times the Amount of the said Allowance, and unless in such excepted Cases the Royal Consent to the holding of such Civil Place or Employment shall have been signified through the Secretary at War; and that no Person appointed on or after the First Day of *June* One thousand eight hundred and twenty-nine to any Civil Place or Employment of Profit under Her Majesty, or in the Colonies or Possessions of Her Majesty beyond the Seas, or under any other Government, shall receive any Part of the said Allowance for any Time during which he shall hold such Civil Place or Employment: Provided always, that

any Adjutant appointed after the Twenty-fourth Day of *December* One thousand eight hundred and fourteen, who shall have served faithfully, either in Her Majesty's Regular Forces or in the Regular or Local Militia, for the full Term of Thirty Years in the whole, whereof Fifteen shall have been in Service as an Adjutant of Regular Militia, and who shall be by Age or Infirmity rendered unfit for further Service, shall, upon producing to the Secretary at War a Certificate of such Service of Thirty Years as aforesaid from the Commanding Officers of the different Corps to which he shall have belonged, and upon an Order from the Secretary at War founded upon such Certificate, be entitled to receive an Allowance at the Rate of Six Shillings a Day, in like Manner and subject to the same Restrictions and Conditions as the aforesaid Allowance of Eight Shillings: Provided also, that no such Adjutant shall lose any Right he may have to Half Pay or Out-Pension by reason of receiving such Allowance of Eight Shillings or Six Shillings a Day as aforesaid, but shall be entitled to receive such Half Pay or Out-Pension as well as such Allowance: Provided always, that in Cases of very long and meritorious Services it shall be lawful for the Secretary at War to extend to any Adjutants appointed between the Twenty-fourth Day of *December* One thousand eight hundred and fourteen and the Ninth Day of *July* One thousand eight hundred and twenty-three the Terms, either in whole or in part, hereinbefore prescribed for the Retirement of Adjutants appointed before the Twenty-fourth Day of *December* One thousand eight hundred and fourteen.

Adjutant appointed since 24th Dec. 1814 entitled to receive, after Thirty Years Service, &c., an Allowance of 6*s.* per Day.

Right to Half Pay reserved.

Certain Terms extended to Adjutants in Cases of long and meritorious Services.

XXIII. And whereas certain Allowances have been granted in pursuance of former Acts to Adjutants, Surgeons, and Quartermasters of Regular Militia who have by Age or Infirmity been rendered unfit for further Service: Be it enacted, That such Allowances shall be issued and paid, during the Continuance of this Act, in like Manner and subject to the same Restrictions as the Allowances granted by this Act to Adjutants who shall by Age or Infirmity be rendered unfit for further Service: Provided always, that no Person receiving such Allowance shall by reason thereof forfeit his Right to any Half Pay to which he may be entitled.

Allowances to Adjutants, Surgeons, and Quartermasters.

Right to Half Pay reserved.

XXIV. And be it enacted, That in case any Regiment, Battalion, or Corps of Militia shall have already ceased and determined or been reduced in its Establishment, or shall cease and determine or be reduced in its Establishment during the Continuance of this Act, the Sum of Four Shillings *per Diem* shall be paid to such Person as was or shall be actually serving as Adjutant to such Regiment, Battalion, or Corps at the Time of Reduction, from the Thirty-first Day of *July* One thousand eight hundred and fifty, or from the Time such Regiment

Reduced Adjutants to receive 4*s.* per Day till 31st July 1850.

Regiment shall cease and determine or be reduced in its Establishment, (as the Case may be,) to the Thirty-first Day of *July* One thousand eight hundred and fifty-one, in like Manner and subject to the same Restrictions and Conditions as the Allowances granted by this Act to Adjutants who shall by Age or Infirmity be rendered unfit for further Service: Provided always, that no such reduced Adjutant shall lose any Right he may have to Half Pay of the Navy, Army, Marines, or Provisional Battalion formed from the Militia, by reason of receiving such Allowance as last aforesaid, but shall be entitled to receive such Half Pay as well as such Allowance.

Right to Half Pay reserved.

Adjutants and Serjeant Majors entitled to Allowance under 39 & 40 G. 3. c. 44.

XXV. And whereas certain Adjutants and Serjeant Majors are entitled to and have received certain Allowances in consequence of having been reduced under the Provisions of an Act passed in the Thirty-ninth and Fortieth Years of the Reign of King *George* the Third, which Allowances have been continued, and as to such Adjutants augmented to Four Shillings *per Diem*: Be it enacted, That all such Adjutants and Serjeant Majors shall be entitled to receive and shall receive such Allowance from the Thirty-first Day of *July* One thousand eight hundred and fifty to the Thirty-first Day of *July* One thousand eight hundred and fifty-one.

Allowances granted to Adjutants who have been appointed since 24th Dec. 1814, &c. on Completion of certain Periods of Service.

XXVI. And be it enacted, That the following Allowances shall be granted and paid, under the Restrictions and Limitations hereinafter expressed, to Adjutants of the Militia of *Great Britain* and *Ireland* who have been appointed since the Twenty-fourth Day of *December* One thousand eight hundred and fourteen, and who shall hereafter be appointed, on the Completion of the following Periods of Service in Her Majesty's Regular Forces and in the Militia, if unfit for the Performance of the Duties of their Commissions; (that is to say,)

To every Adjutant who shall have completed in the Service a Period of, (*videlicet*,)

Fifteen Years, of which Five Years as an Adjutant of Militia, an Allowance of Three Shillings *per Diem*:

Twenty Years, of which Seven Years as an Adjutant of Militia, an Allowance of Four Shillings *per Diem*:

Twenty-five Years, of which Ten Years as an Adjutant of Militia, an Allowance of Five Shillings *per Diem*:

Thirty Years, of which Fifteen Years as an Adjutant of Militia, an Allowance of Six Shillings *per Diem*:

No Adjutant whose Commission bears Date between 24th Dec. 1814

Provided also, that no such Adjutant whose Commission bears Date between the Twenty-fourth Day of *December* One thousand eight hundred and fourteen and the Ninth Day of *July* One thousand eight hundred and twenty-three shall be excluded from the Operation of

of the Authority vested in the Secretary at War to determine certain Cases of Adjutants of long and meritorious Services; provided also, that such Adjutants shall retain any Right they may have to Half Pay or to Out-Pension, notwithstanding the Grant of such retired Allowance as aforesaid; and all such Allowances shall be granted upon the Production to the Secretary at War of a Certificate of such Service and Disability; and the Paymaster General shall pay to such Adjutant the above Allowance, subject to the same Limitations and Restrictions in respect to the holding of any Civil Place or Employment of Profit under the Crown, or in the Colonies or Possessions of Her Majesty beyond the Seas, or under any other Government, as attach to other Adjutants to whom retired Allowances have been or shall be granted.

and 9th July 1823 excluded.

Right to Half Pay and Pension reserved.

XXVII. And be it enacted, That every reduced Adjutant entitled to any Allowance granted under the said Act of the Thirty-ninth and Fortieth Years of the Reign of King *George* the Third, and continued by any subsequent Act or by this Act, may receive such Allowance, together with any Full Pay, Half Pay, or Allowance which was tenable together with such reduced Allowance under the Provisions of an Act passed in the Twenty-sixth Year of the Reign of King *George* the Third, intituled *An Act for amending and reducing into One Act of Parliament the Laws relating to the Militia in that Part of* Great Britain *called* England, or under the Provisions of the aforesaid Act of the Thirty-ninth and Fortieth Years of the Reign of His Majesty King *George* the Third: Provided always, that no such reduced Adjutant shall be entitled to receive any Allowance under this Act during the Time he shall hold any Military Office of Profit under Her Majesty other than such as aforesaid, or under any other Government, or any Civil Office or Employment under Her Majesty, or any other Government, otherwise than according to the Provisions of this Act in relation to the Allowances granted to Adjutants on account of Age or Infirmity.

Reduced Adjutants may take such Allowance with any Pay or other Allowance under 39 & 40 G. 3. c. 44. and 26 G. 3. c. 107.

Proviso.

XXVIII. And whereas certain Allowances have been granted to reduced Adjutants of the Local Militia: Be it enacted, That the said Allowances shall be issued and paid during the Continuance of this Act in like Manner and subject to the same Restrictions as the Allowances of the Paymasters, Surgeons, and Quartermasters of the Regular Militia who were reduced in the Year One thousand eight hundred and twenty-nine: Provided always, that in the Cases in which any such Local Militia Adjutants have been permitted to receive the said Allowances whilst holding any Civil Offices under the Crown, to which Offices they had been appointed previously to the Twenty-eighth Day of *July* One thousand eight hundred and twenty-eight, it shall be lawful to continue the Payment of the said Allow-

Restrictions as to Allowances to reduced Adjutants of the Local Militia.

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ances under the same Regulations and Restrictions as those under which the Permission was originally granted.

Allowances to Clerks of General and Subdivision Meetings in England.

XXIX. And be it enacted, That in every County in *England* and *Wales*, when the Regular Militia is or shall be raised, Allowances shall be made to the Clerks of General Meetings, and the Clerks of Subdivision Meetings of Lieutenancy, for their Trouble and Expenses in the due Execution of an Act passed in the Forty-second Year of the Reign of King *George* the Third, intituled *An Act for amending the Law relating to the Militia in* England, *and for augmenting the Militia*, and of any other Acts relating to the said Militia; and also the Clerks of General Meetings and the Clerks of Subdivision Meetings of Lieutenancy for their Trouble and Expenses in the due Execution of an Act passed in the Thirty-seventh Year of the Reign of King *George* the Third, intituled *An Act for the better raising and ordering the Militia Forces for the Tower Hamlets in the County of* Middlesex, and any other Acts relating to the said Militia; and also to the Clerks of General Meetings and the Clerks of Subdivision Meetings of the Lord Warden and Deputy Wardens of the Stannaries of *Cornwall* and *Devon* for their Trouble and Expenses in the due Execution of an Act passed in the Forty-second Year of the Reign of King *George* the Third, intituled *An Act for repealing an Act made in the Thirty-eighth Year of the Reign of His present Majesty King* George *the Third, intituled* '*An Act for* '*raising a Body of Miners in the Counties of* Cornwall *and* Devon '*for the Defence of the Kingdom during the present War, and for* '*the more effectually raising and regulating a Body of Miners for* '*the Defence of* Great Britain,' and of any other Acts relating to the said Militia; and in every County, Stewartry, City, or Place in *Scotland* where the Regular Militia is or shall be raised Allowances shall also be made to the Clerks of General Meetings and Clerks of the several Subdivision Meetings, and to Schoolmasters, Constables, and other Officers, for their Trouble and Expenses in the due Execution of an Act passed in the Forty-second Year of the Reign of King *George* the Third, intituled *An Act to raise and establish a Militia in* Scotland, and of any other Acts relating to the said Militia.

42 G. 3. c. 90.

37 G. 3. c. 25.

42 G. 3. c. 72.

Allowances to such Officers and others in Scotland.

42 G. 3. c. 91.

Manner of granting Allowances.

XXX. And be it enacted, That the said Allowances shall be granted as follows; (*videlicet*,) the Account shall be certified by the Lieutenant of the County, Stewartry, City, or Place, or by Two or more Deputy Lieutenants acting for such County, Stewartry, City, or Place, or by the Lord Warden of the Stannaries of *Cornwall* and *Devon*, or by Two or more Deputy Wardens of the Stannaries of *Cornwall* and *Devon*; and the Clerks of General and Subdivision Meetings in *Great Britain*, and the Schoolmasters, Constables, and other Officers in *Scotland*, shall make a Declaration as to the Justness of

Clerks, &c. to make Declaration of the Just-

of the Accounts, in the following Terms respectively, before some Justice of the Peace; (*videlicet*,) ness of their Accounts.

Declaration of a Clerk of General or Subdivision Meetings.

'I do solemnly declare, That the preceding Account, 'so far as regards my Interest therein, is a just and true Account 'of Business performed by me for and in behalf of the public Service, 'according to the Manner therein set forth; and the Sums claimed 'as disbursed were actually paid by me.'

Declaration of a Schoolmaster, Constable, or other Officer in *Scotland.*

'I do solemnly declare, That I am the Parochial 'Schoolmaster [*or* Constable, *or other Officer*] of the District 'of in the Subdivision of the County 'of ; and that the preceding Account is a just and 'true Account of Business actually performed by myself for and in 'behalf of the public Service, according to the Manner therein 'set forth; and that I was employed on such Business the full 'Time therein stated; and that the Sums claimed as disbursed were 'actually paid by me.'

And the said Accounts shall be transmitted to the Secretary at War, who is hereby empowered to issue the Allowances according to the Rate specified in the Table to this Act annexed, or such Sums as he shall think reasonable and proper.

XXXI. And whereas it is expedient that the Deputy Lieutenants acting in any Subdivision of any County, Stewartry, City, or Place in *Great Britain*, and the Special Deputy Wardens acting in any Subdivision in the Stannaries of the Counties of *Cornwall* and *Devon*, should be assisted by the Advice of a Surgeon in deciding upon the Appeals of Persons claiming to be exempt from Service in the Militia by reason of bodily Infirmity, and upon the Fitness for Service of the Persons presenting themselves for Enrolment: Be it enacted, That it shall be lawful for any Two Deputy Lieutenants and they are hereby empowered and required to summon, by Two Days previous Notice in Writing, any competent Surgeon residing at or nearest to the Place where any Meeting for Appeals or Enrolment shall be held, to attend at such Meeting; and every such Surgeon shall, before he begins any such Examination, make the following Declaration, which Declaration any Deputy Lieutenant is hereby authorized to administer; (*videlicet*,) Deputy Lieutenants may require the Attendance of any Surgeon residing near the Place of Meeting for Appeals.

'I do solemnly declare, That I will, to the best of 'my Ability, faithfully and truly report as to the Fitness for 'Service Declaration to be made by Surgeon.

'Service of the Man or Men about to be submitted to my Exami-
'nation, and that I will not receive from any of them any Fee or
'Reward whatever for any such Examination.'

Allowance to Surgeon.

And every such Surgeon shall receive for each Day's Attendance at such Meeting a Sum not less than Half a Guinea nor exceeding Two Guineas, according to the Extent of the Duty performed: Provided always, that the Accounts and Vouchers upon which the said Allowances shall be recommended by the Deputy Lieutenants of the respective Subdivisions shall be transmitted to the Secretary at War, with the Accounts of the Lieutenancy Clerks, for Examination and Payment.

Pay, &c. to be issued under Directions of the Secretary at War.

XXXII. And be it enacted, That all Sums of Money granted for the Pay, Clothing, contingent and other Expenses, and for the Allowances to the Officers and Men of the Regular and Local Militia, when disembodied, shall be issued and paid under the Direction of the Secretary at War, by the Acceptance of Bills or otherwise, according to such Regulations as have been or shall be established on that Head.

Bills drawn for Pay, &c. may be on unstamped Paper.

XXXIII. And be it enacted, That all Bills, Drafts, and Orders drawn for Pay or Allowances under this Act may be drawn upon unstamped Paper; and no such Bill, Draft, or Order shall be void by reason of being drawn or written on unstamped Paper.

No Fee to be taken.

XXXIV. And be it enacted, That no Fee or Gratuity whatsoever shall be given or paid for or upon account of any Warrant or Sum of Money which shall be issued in relation to or in pursuance of this Act.

Expense of House for depositing Arms and Stores of the Militia in Ireland, &c. to be defrayed by the County.

XXXV. And be it enacted, That the Hire of any House or Place to be provided for the keeping of the Arms, Accoutrements, Clothing, or other Stores, and for the Residence and Accommodation of the Adjutant belonging to any Regiment or Battalion of Militia in *Ireland*, when not embodied, shall be defrayed by the County; and the necessary Sum for that Purpose, and for all other Sums of Money and Expenses payable and to be defrayed by the County in respect of the Militia of the County, and all Arrears of any such Hire due for the Hire or Rent of any House heretofore provided, and which Rent shall not have been presented and paid before the passing of this Act, or which shall hereafter become due for any such House, and all Arrears of any such other Sums or Expenses aforesaid which shall have become due before the Certificate thereof shall be transmitted as hereafter mentioned, shall be raised by the Presentment of the Grand Jury of the said County, which Presentment the Grand Jury of the County shall pass on a Certificate signed by the Chief Secretary

Secretary of the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, or, in the Absence of such Chief Secretary, by the Under Secretary, or by the First Clerk in the Military Department, and specifying the Rent agreed to be paid for the same; and the said Certificate shall be transmitted by such Chief or Under Secretary or First Clerk to the Clerk of the Crown for such County, or at any Time prior to the First Day of Assizes for such County, or if in the County or County of the City of *Dublin*, then prior to the First Day of the Presenting Term: Provided always, that in no Case any greater Rent than Fifty Pounds Currency of the United Kingdom of *Great Britain* and *Ireland* shall be presented by such Grand Jury for the annual Rent of such House or Place.

Proviso as to Amount of Rent.

XXXVI. And be it enacted, That in all Cases where any Place provided under an Act passed in the Forty-second Year of the Reign of King *George* the Third, intituled *An Act for amending the Laws relating to the Militia in* England, *and for augmenting the Militia*, for the Purpose of keeping therein the Arms, Accoutrements, Clothing, and other Stores belonging to any Regiment, Battalion, or Corps of Militia when not embodied, and the Hire or Cost of which Place may have been paid by the Treasurer of any County, Riding, or Place out of the County Rates of the same, according to the Provisions of the said Act, hath or at any Time hereafter shall, from Change of the Occupation of the adjoining Property or other Causes, become insecure or unfit for such Purpose, or the Public Convenience may require the same to be changed or sold, the Justices of such County, Riding, or Place assembled at any General Quarter Session of the Peace, after Representation made to them of such Insecurity or Unfitness or Inconvenience by the Lord Lieutenant of such County, and the Colonel of such Regiment, Battalion, or Corps, and Evidence thereof given to the Satisfaction of the said Justices so in Quarter Sessions assembled, to order some other convenient and proper Place to be provided or built for the Purpose of keeping therein the Arms, Accoutrements, Clothing, and other Stores belonging to any Regiment, Battalion, or Corps of Militia when not embodied, the Purchase, Hire, or Cost of which Place, in case the same shall be approved of by the Lord Lieutenant and Colonel of Militia of such County, Riding, or Place, shall be paid for by the Treasurer of such County, Riding, or Place, out of the County Rates.

Providing Place for Arms, &c. 42 G. 3. c. 90.

XXXVII. And be it enacted, That in all such Cases as aforesaid the Persons or Person in whom such Place which may have become insecure or unfit for the Purposes aforesaid may be vested, upon Service upon them or him of an Order made at any Court of Quarter Sessions of the Peace, setting forth that another and more convenient and proper

Sale of Place not required.

proper Place has been provided for the Purpose aforesaid, whereby the Place so purchased for the Purpose aforesaid has become useless, shall proceed forthwith, in such Manner as they shall think best, to sell and convey and assure the same to any Purchaser or Purchasers thereof, freed and discharged from the Uses or Trusts to which it had theretofore been liable and subject, and give Receipts and Acquittances for the Purchase Money or Purchase Monies thereof, and shall, upon Receipt of the Money arising therefrom, after deducting thereout all Costs and Charges attending such Sale or Sales, pay the same unto the Treasurer of such County, Riding, or Place, to be by him applied and paid towards the Cost of such Place to be so purchased as aforesaid, or the fitting up the same, and in case no such Place shall be so purchased, then toward the Expenses of fitting up such Place which may be so hired as aforesaid for the Purposes aforesaid, and the Residue of such Purchase Money (if any) shall be invested in the Public Funds, and the Interest thereof applied in aid of the Rate of such County or Riding, according as the Justices of the same in Quarter Session assembled may direct; and no Person purchasing any Place so sold as aforesaid shall be bound to inquire whether any of the Circumstances have arisen under which it has been determined to sell the same as aforesaid, nor shall he be bound to see to the Application or Nonapplication of his, her, or their respective Purchase Monies; and when and as soon as the Persons or Person in whom such Place shall have been so vested as aforesaid shall have paid to the said County Treasurer the clear Proceeds arising from such Sale or Sales, and shall have procured from such Treasurer his Receipt for the same, then and from thenceforth such Persons or Person shall be forthwith discharged from all Liability, Claim, or Demand in respect of the said Place so vested in him or them for the Purposes aforesaid, and also from all Liability, Claim, or Demand in respect of the Proceeds arising from the Sale of such Place; and such Receipt shall be a Bar to the Claim of any Person or Persons whatsoever in such County, Riding, or Place, or any Person or Persons claiming under them any Right, Title, or Estate to such Place or the Proceeds thereof.

All Things in this Act relating to Counties shall extend to Ridings, Shires, &c.

XXXVIII. And be it enacted, That all Things in this Act contained relating to Counties, and to Regiments of Militia respectively, shall be construed to extend to all Ridings, Shires, Stewartries, Cities, and Places, and to all Battalions, Corps, and independent Companies respectively, and to the Corps of Miners of *Cornwall* and *Devon*.

Continuance of Act.

XXXIX. And be it enacted, That this Act shall take effect and continue in force from the Thirty-first Day of *July* One thousand eight hundred and fifty until the First Day of *September* One thousand eight hundred and fifty-one.

TABLE

TABLE to which this Act refers.

SCALE of RATES of REMUNERATION to the Clerks of General and Subdivision Meetings of Lieutenancy in Great Britain, including the Clerks of the Tower Hamlets and the Stannaries of Cornwall and Devon, and to Schoolmasters, Constables, and other Officers in Scotland, for carrying into execution Two Acts of Parliament passed in the Forty-second Year of the Reign of King George the Third, c. 90. and 91., and other Acts relating to the Militia.

ALLOWANCES TO THE CLERKS OF GENERAL MEETINGS.

	£	s.	d.
1. For Trouble in calling a General Meeting by Circular Letters or Advertisements (no separate Charge being made for writing the Letters or framing the Advertisements) -	0	7	6
2. For attending General Meetings at which the Statutory Quorum of Lieutenancy shall be present, each - -	5	5	0
For each Meeting which shall be necessarily adjourned by the Clerk in consequence of the Absence of the Lord Lieutenant or Deputy Lieutenants - - -	1	11	6
Which Allowances are to be in full for engrossing Minutes, &c.			
3. For filling up printed Precepts to the High or Chief Constable of each Subdivision, Hundred, Lathe, Rape, or Wapentake in England and Wales, including the Tower Hamlets, and the Stannaries of Cornwall and Devon, to return Lists, each	0	0	6
For filling up printed Precepts to the Schoolmasters, Chief Constables, or other Officers in Scotland to return Lists, each - - - - - -	0	0	6
4. For writing the annual Advertisements for regulating, arranging, and fixing the First Subdivision Meeting of the Deputy Lieutenants for receiving the Parochial Lists and hearing Appeals - - - - - -	0	7	6
5. For arranging Subdivision Lists and making Abstracts thereof, Schedule (D.), for the Privy Council, the Secretary of State, and the Secretary at War (the latter Copy to be annexed to the Clerk's Accounts as a Voucher); videlicet,			
In Counties furnishing a Quota of 200 Men or under in the original Number of the Militia - - -	2	2	0
In Counties furnishing from 201 to 400 Men - -	3	3	0
Ditto - - from 401 to 600 Men - -	4	4	0
Ditto - - from 601 to 800 Men - - -	5	5	0
Ditto - - from 801 Men and upwards -	6	6	0
6. For striking the Proportion of Men to serve for the several Hundreds, Rapes, Lathes, Wapentakes, or other Divisions of a County in England and Wales, and for each respective Parish or other Division of a County or Stewartry in Scotland, under the several Acts of Parliament relating to the Regular Militia, when necessary to be done:			
In Counties furnishing a Quota of 200 Men or under -	1	1	0
Ditto - - - from 201 to 400 Men -	2	2	0
Ditto - - - from 401 to 600 Men -	3	3	0
Ditto - - - from 601 to 800 Men -	4	4	0
Ditto - - - from 801 Men and upwards	5	5	0

	£	s.	d.
7 For Trouble in engrossing in a Book the Names of the Men contained in each Subdivision Return of Enrolment, Schedule (E.):			
For engrossing 50 Names and under - - -	0	5	0
Ditto - 51 to 150 Names - - -	0	10	0
Ditto - 151 to 250 Names - - -	1	0	0
Ditto - 251 Names and upwards - - -	1	10	0
8. For drawing out fair Copy of the Lord Lieutenant's annual Return of the Militia for the County, containing the Number, Names, and Rank of the Officers, and the Number of the Non-commissioned Officers, Drummers, and Private Men:			
In Counties furnishing One Regiment, Battalion, or Corps - - - - - -	0	15	0
Ditto - Two - Ditto - -	1	10	0
Ditto - Three - Ditto - -	2	0	0
No separate Charge being made for Attendance upon the Lord Lieutenant or Deputy Lieutenants for his or their Signatures thereto.			
Note.—This Allowance is of course only chargeable by the General Clerks for those Counties in Scotland which furnish the greatest Proportion of Men towards the Formation of the Regiment, Battalion, or Corps.			
9. For Stationery:			
To the Clerk of General Meetings in a County where the Number in the original Quota of the Militia is under 300 Men - - - - - -	2	0	0
Ditto - from 301 to 600 Men - -	3	0	0
Ditto - from 601 to 900 Men - -	4	0	0
Ditto - from 901 Men and upwards - -	5	0	0
10. For Copyings, Correspondence, &c. &c.:			
To the Clerk of the General Meetings in a County where the Number of the original Quota of the Militia is 200 Men or under - - - -	2	0	0
In a County furnishing from 201 to 400 Men - -	3	0	0
Ditto - - from 401 to 600 Men - -	4	0	0
Ditto - - from 601 to 800 Men - -	5	0	0
Ditto - - from 801 Men and upwards -	6	0	0
11. The actual Amount expended for printing and publishing the Advertisements, for Postages, Expresses, and Messengers, to be allowed upon an Account, specifying each Article of Postage, &c., certified specially by the Lieutenancy, whose Certificate shall state that the same were necessary and actually performed.			
The Charge for printing and publishing Advertisements is invariably to be supported by the Receipt of the Person to whom paid.			

TRAINING AND EXERCISE.

12. For filling up printed Notices to the Clerks of Subdivision Meetings of the Time and Place fixed by the Lord Lieutenant or Deputy Lieutenants for assembling the Militia to be trained and exercised, each Notice - - -	0	0	6
13. For making out correct Abstracts from the Adjutant's or other Commanding Officer's Returns, Schedule (F.), in the Form Schedule (G.), for Her Majesty's Secretary of State for the Home Department in Counties in England and			

Militia Pay.

	£	s.	d.
Scotland furnishing a Quota towards the Formation of an entire Regiment or Battalion - - - -	1	0	0
In Counties in England, Wales, and Scotland furnishing One Regiment, Battalion, or Corps - -	2	0	0
Ditto - Two - Ditto - -	3	0	0
Ditto - Three - Ditto - -	4	0	0

ALLOWANCES TO CLERKS OF SUBDIVISION MEETINGS.

	£	s.	d.
14. For Trouble in calling a Subdivision Meeting by Advertisement, no separate Charge being made for writing Letters or framing Advertisement - - - -	0	5	0
Or for calling a Meeting by Circular Letters to the Deputy Lieutenants, the Adjutant, or other Commanding Officer, (no Charge being made for the Draft,) for each Letter -	0	1	0
15. For attending Subdivision Meetings, for each of the Three first or principal Meetings at which the Statutory Quorum of Lieutenancy shall be present; videlicet, For receiving Lists and hearing Appeals, For balloting, For enrolling, And for the Meeting held to apportion the Deficiencies among the Parishes, et cetera, when necessary to be done; and also for calling out the Quota or Apportionment of the Subdivision to be trained and exercised, which Allowance shall be in full for engrossing Minutes and making up Lists - - - -	2	2	0
And for each Meeting held by Adjournment to complete the Business of any or either of the Three first or principal Meetings above enumerated, which Allowance shall be in full for engrossing Minutes and making up Lists - -	1	5	0
And for each Meeting which shall have been summoned, but which is necessarily postponed by the Subdivision Clerk in consequence of the Absence of the Deputy Lieutenant - -	0	15	0
16. For filling up printed Precepts to the Chief or High Constables in England and Wales, including the Tower Hamlets and Stannaries of Cornwall and Devon, to give Notice of the Number of Men apportioned to serve for each Parish, and to issue out their Orders to the Petty Constables to serve Notices upon balloted Men, each Precept - -	0	0	6
And for filling up printed Precepts to the Schoolmasters, Chief Constables, or other Officers in Scotland, for the Performance of similar Duty, each Precept - - -	0	0	6
17. For Trouble in amending the Returns of Persons liable to serve in the Regular Militia, by taking out the Names of all Persons who may appeal, and whose Appeals or Claims of Exemption have been allowed, and inserting the Names of any Persons that have been omitted to be inserted, and in numbering the Returns, and making out the Tickets for the balloting, after the Rate of Two Pounds for every One thousand Names of Persons returned liable to serve, and so in proportion for a greater or smaller Number of Men	£2 per 1,000		
18. For making out the annual Abstracts of Lists, Schedule (C.), for the Use of the Clerk of General Meetings, where the original Quota or Apportionment of the Subdivision is - - 50 Men and under - - -	2	2	0
Ditto from 51 to 150 Men - - - -	3	3	0
Ditto from 151 to 250 Men - - -	4	4	0
Ditto from 251 Men and upwards - - -	5	5	0

Militia Pay.

	£	s.	d.
19. For making out fair and true Copies of Lists of Men enrolled for each Subdivision of a County in Great Britain, including the Tower Hamlets and the Stannaries of Cornwall and Devon, for the Use of the Clerk of General Meetings, Schedule (E.), and the Colonel or Commandant of the Regiment of the County; (videlicet,)			
For a Roll containing 50 Names and under - -	0	5	0
Ditto from 51 to 150 Names - - - -	0	10	0
Ditto from 151 to 250 Names - - - -	0	15	0
Ditto from 251 Names and upwards - - -	1	0	0
20. For Stationery to the Clerk of a Subdivision furnishing Men towards the Quota of a County in the following Proportions; (videlicet,)			
For a Subdivision furnishing 50 Men and under - -	1	10	0
Ditto from 51 to 150 Men - - -	2	0	0
Ditto from 151 to 250 Men - - -	2	10	0
Ditto from 251 Men and upwards - - -	3	0	0
21. For Correspondence, Copyings, et cetera, to the Clerk of a Subdivision furnishing Men towards the Quota of a County in the following Proportions; (videlicet,)			
For a Subdivision furnishing 50 Men and under -	2	0	0
Ditto from 51 to 150 Men - - - -	3	0	0
Ditto from 151 to 250 Men - - -	4	0	0
Ditto from 251 Men and upwards - -	5	0	0
22. The actual Amount expended for printing and publishing Advertisements, for Postage, Expresses, and Messengers, to be allowed upon an Account specifying each Article of Postage, and specially certified by the Lieutenancy, whose Certificate shall state that the same was necessary and actually performed.			
The Charge for printing and publishing Advertisements is invariably to be supported by the Receipt of the Person to whom paid.			
23. For Trouble in apportioning and distributing to the Constables of the several Townships, Parishes, et cetera, within the Limits of the Subdivision, the various Forms of Schedules, et cetera:			
For a Subdivision furnishing 50 Men and under - -	0	5	0
Ditto from 51 to 150 Men - - - -	0	10	0
Ditto from 151 to 250 Men - - -	0	15	0
Ditto from 251 Men and upwards - -	1	0	0

TRAINING AND EXERCISE.

24. For filling up printed Precepts to the High or Chief Constable in each Subdivision of any County in England and Wales, including the Tower Hamlets and the Stannaries of Cornwall and Devon, to issue out their Warrants to the Petty Constables, Tithingmen, or other Officers within their respective Hundreds to give Notice in Writing to the Men enrolled to attend the Training and Exercise of the Militia:			
For each Precept containing 50 Names and under -	0	5	0
Ditto from 51 to 150 Names - - -	0	10	0
Ditto from 151 to 250 Names - -	0	15	0
Ditto from 251 Names and upwards - -	1	0	0

Militia Pay.

	£	s.	d.
And for filling up printed Precepts to the Chief Constables, and to the Schoolmasters, Constables, or other Officers of the Parishes within the Subdivision of any County, Stewartry, City, or Place in Scotland, to give Notice in Writing to the Men enrolled to attend the Training and Exercise of the Militia:			
For each Precept containing 10 Names and under -	0	0	6
Ditto from 11 to 30 Names - -	0	1	0
Ditto from 31 to 50 Names - - -	0	2	6
Ditto from 51 to 70 Names - - -	0	4	0
Ditto from 71 to 100 Names - - -	0	7	0
Ditto from 100 upwards - - - -	0	10	0
25. For making out full and true Lists of the Names and Dates of Enrolment of all Persons enrolled within each Subdivision respectively, for the Use of the Commanding Officer and Adjutant of each Regiment, Battalion, or Corps of any County, Stewartry, City, or Place in Great Britain, previously to the Training and Exercise:			
For a Roll containing 20 Names and under - -	0	2	0
Ditto from 21 to 50 Names - - - -	0	5	0
Ditto from 51 to 150 Names - - -	0	10	0
Ditto from 151 to 250 Names - - -	0	15	0
Ditto from 251 and upwards - - - -	1	0	0
26. For correcting the Books of Enrolment of the Subdivision so as to correspond accurately with the Extracts from the Adjutant's or other Commanding Officer's Return, Schedule (F.), of the State of the Classes of the Men forming the Quota or Apportionment serving in the Regiment, Battalion, or Corps of Militia of any County, Stewartry, City, or Place in Great Britain:			
For a Subdivision furnishing 50 Men and under -	0	5	0
Ditto from 51 to 150 Men - - -	0	10	0
Ditto from 151 to 250 Men - - -	0	15	0
Ditto from 251 and upwards - - -	1	0	0

ALLOWANCES TO SCHOOLMASTERS IN SCOTLAND.

27. For filling up and delivering Notices to Householders, for each Day consisting of Eight Hours - - -	0	5	0
28. For making out Lists, for each Folio consisting of Sixty Lines - - - - - - - - - -	0	1	0
29. For attending Meetings of Lieutenancy, each Meeting -	0	10	0
30. For filling up and delivering Notices to balloted Men, per Day - - - - - - - -	0	5	0
31. For Stationery, per Annum - - - -	0	5	0

ALLOWANCES TO CONSTABLES IN SCOTLAND.

32. For filling up and delivering Notices to Householders, for each Day consisting of Eight Hours - - -	0	4	0
33. For making out Lists, for each Folio consisting of Sixty Lines - - - - - - -	0	1	0
34. For attending each Meeting of Lieutenancy, per Day -	0	4	0
35. For filling up and delivering Notices to balloted and enrolled Men, per Day - - - - - -	0	4	0
36. For Stationery, where the Lists are made out by the Constables, per Annum - - - - - -	0	5	0

SPECIAL CONTINGENT ALLOWANCES applicable to the Clerks of General Subdivision Meetings of Lieutenancy respectively.

37. When it is necessary to call the Person from a Distance to perform the Duty of a General or Subdivision Clerk such Person shall have an Allowance for his travelling Expenses not exceeding Nine-pence per Mile, and the Expenses of Tolls and Ferry Money; but the Particulars of such Expenses shall be specified in a Statement, and certified by the Lieutenancy, and transmitted in support of the Charge in the Clerk's annual Account.

38. The Expense necessarily incurred for the Use of the Room at the Place of Meeting to be allowed upon the Production of the Receipt of the Person to whom the same may be paid.

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Printers to the Queen's most Excellent Majesty. 1850.
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ANNO DECIMO TERTIO & DECIMO QUARTO

VICTORIÆ REGINÆ.

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Act may be amended, &c.

II. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

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ANNO DECIMO TERTIO & DECIMO QUARTO

VICTORIÆ REGINÆ.

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and determine: Provided always, that this Act shall not abridge, lessen, or in anywise affect the Power, Authority, or Jurisdiction of or incident to the said Court of Exchequer as a Court of Law, or the Power, Authority, or Jurisdiction of the same Court as a Court of Revenue, not heretofore exercised or exerciseable by the same Court sitting as a Court of Equity.

Suits depending and Proceedings transferred to Court of Chancery to be carried on according to the Practice of that Court.

II. And be it enacted, That all Suits and Matters which on the said First Day of *August* One thousand eight hundred and fifty shall be depending in the said Court of Exchequer as a Court of Equity, or under such Act or Acts of Parliament as aforesaid, (except as aforesaid,) shall be by force of this Act transferred, with all the Proceedings therein, to the said Court of Chancery, there to be carried on and prosecuted and dealt with and decided according to the Practice of that Court, in the same Manner in every respect as if such Suits and Matters had been originally commenced in the said Court of Chancery; and all Decrees and Orders which shall have been made by the said Court of Exchequer in such Suits and Matters shall, to all Intents and Purposes, be deemed and taken to be Decrees or Orders respectively of the said Court of Chancery; and all Writs which shall have been then issued in the same Suits and Matters, or any of them, returnable in the said Court of Exchequer, shall be by force of this Act returnable in the said Court of Chancery: Provided always, that in case on the said First Day of *August* any of the said Suits or Matters so hereby transferred shall have been partly heard by the said Court of Exchequer, it shall be lawful for the said Court of Chancery, by Order specially made for the Purpose, to remit such partly heard Suit or Matter to the said Court of Exchequer, and the said Court of Exchequer shall thereupon, with all convenient Speed, hear the same, and make such Rule, Order, or Decree therein as shall appear to said Court of Exchequer right and fitting in the Premises, anything herein contained to the contrary in anywise notwithstanding; but such Suit or Matter shall in all other respects and for all other Purposes stand and be considered as transferred to the said Court of Chancery, in like Manner as all other Suits and Matters so hereby transferred as aforesaid.

Writs returnable in Exchequer to be returnable in Chancery.

Lord Chancellor may remit to the Court of Exchequer Causes partly heard by that Court.

Lord Chancellor to make General Orders for the Taxation of Costs, &c. by reason of the Transfer.

III. And be it enacted, That it shall be lawful for the Lord Chancellor from Time to Time to make such General Orders (as well with respect to the Taxation and Allowance of Costs as in all other respects) as to him shall seem fit and proper to be made, by reason or in consequence of the Transfer hereby made to the said Court of Chancery of such Suits and Matters as aforesaid, or for carrying the same Transfer into complete Effect.

Stocks, &c. standing in the Name of the Accoun-

IV. And be it enacted, That on the said First Day of *August* One thousand eight hundred and fifty all Stocks, Funds, Annuities, and Securities whatsoever which shall then be standing in the Name

of

of the Accountant General of the said Court of Exchequer as such Accountant General in the Books of the Bank of *Ireland*, or in the Books of any other Body Politic or Corporate or Company whatsoever, and all such Exchequer Bills or other Securities which at any Time before the said First Day of *August* One thousand eight hundred and fifty shall have been transferred into or vested in the Name of or shall be in the Custody or Power of the Accountant General of the Court of Exchequer as such Accountant General, and which shall not have been applied to the Trusts and Purposes to which the same were applicable under the Order or Direction of the said Court of Exchequer, shall on the said First Day of *August* become by force of this Act vested in the Accountant General of the said Court of Chancery for the Time being, in trust to attend the Orders of the said Court of Chancery, and without any Act or Deed whatsoever to be done or executed by the Accountant General of the said Court of Exchequer for the Time being, and shall and may be proceeded upon by and in the Name of the Accountant General of the said Court of Chancery, in right of his Office, by any Action or Suit at Law or in Equity, or in any other Manner, as the same might have been proceeded on by or in the Name of the said Accountant General of the Court of Exchequer for the Time being, and shall be applicable to all such Purposes as the same were respectively applicable to, except where otherwise directed by this Act; and all such Funds, Stocks, Annuities, and Securities as shall on the said First Day of *August* be standing in the Name of the Accountant General of the said Court of Exchequer as such Accountant General in the Books of the Bank of *Ireland*, or in the Books of any Body Politic or Corporate or Company, and all Cash in the Bank in the Name of the Accountant General of the said Court of Exchequer as such Accountant General, shall on the said First Day of *August* be carried, by the proper Officers of the said Companies respectively, to the Credit of the Accountant General of the said Court of Chancery in the Books of the said Bank of *Ireland*, or other Body Politic or Corporate or Company respectively, in trust to attend the Orders of the said Court of Chancery, anything in any Act or Acts of Parliament for the Creation or Regulation of any such Stocks, Funds, Annuities, or Securities, or any other Act or Acts, to the contrary thereof notwithstanding.

tant General of the Court of Exchequer to be transferred into the Name of the Accountant General of the Court of Chancery, and to be applicable to such Purposes as the same were respectively applicable to.

Officers of Bank of Ireland, &c. directed to make the Transfer.

V. And be it enacted, That the Accountant General of the said Court of Exchequer shall on the said First Day of *August* One thousand eight hundred and fifty make up Accounts with the Accountant General for the Time being of the Court of Chancery of all Stocks, Funds, Annuities, or Securities which shall be standing in the Name of the Accountant General of the Court of Exchequer as such Accountant General in the Books of the Bank of *Ireland*, or in the Books of any other Body Politic or Corporate or Company; and

Accountant General of Court of Exchequer to make up Accounts with Accountant General of Court of Chancery.

and that the Accountant General of the said Court of Exchequer shall also on the said First Day of *August* make out a true and perfect Schedule of all Cash, Exchequer Bills, Bonds, Mortgages, Orders, and Effects whatsoever deposited or remaining in his Custody, Power, or Disposal, or standing in his Name as Accountant General, and of all Monies which shall have been paid into the said Bank of *Ireland* to the Credit of the Accountant General of the said Court of Exchequer as such Accountant General, and which shall not have been invested in any Stocks, Funds, Annuities, or Securities, and shall deliver up to the Accountant General of the Court of Chancery all the Books and Documents in his Possession or Power as such Accountant General of the Court of Exchequer.

Stocks, &c. to be entered Causewise, and the Cash to become One common Cash.

VI. And be it enacted, That all Stocks, Funds, and Securities, and Cash, which by virtue of this Act shall become vested in the Accountant General of the said Court of Chancery, shall be entered Causewise in the Books of such Accountant General; and the Cash to be transferred to the Credit of the said Accountant General of the said Court of Chancery by virtue of this Act, and all other Cash to the Credit of the Accountant General of the said Court of Chancery, shall be and be deemed and taken to be One common and general Cash, and as such shall be issued and payable in such Manner as the said Court of Chancery hath directed or shall direct.

Funds transferred to Chancery not to be subject to Usher's Poundage.

VII. Provided always, and be it enacted, That no Payment or Transfer of any Sum or Sums of Money to be at any Time made out of any of the Cash or Funds so to be transferred as aforesaid, or out of any Cash or Funds to be at any Time brought into the said Court of Chancery, or arise or be produced in said Court in or by any Suit or Matter transferred to said Court by force of this Act as aforesaid, or to be at any Time brought into said Court of Chancery under the Provisions of "The Lands Clauses Consolidation Act, 1845," shall be subject or liable to the Payment of Poundage to the Usher of the said Court of Chancery, any Law or Statute to the contrary notwithstanding.

Money directed by any Act, &c. to be paid into the Bank to the Credit of Accountant General of the Court of Exchequer to become payable to the Credit of Accountant

VIII. And be it enacted, That in every Case in which, by virtue of any Act or Acts of Parliament, or otherwise, any Sum or Sums of Money would, on or after the said First Day of *August* One thousand eight hundred and fifty, be payable by any Person or Persons, or Body Politic or Corporate, into the Bank of *Ireland*, in the Name or with the Privity of the Accountant General of the Court of Exchequer, and which, when paid in accordingly, would be subject to the Order of the said Court of Exchequer sitting as a Court of Equity, the same Sum and Sums shall be payable and paid into the Bank of *Ireland* in the Name and with the Privity of the Accountant

countant General of the Court of Chancery, to be placed to his Account to the like Credit as the same would have been payable if this Act had not passed, but subject to the Order of the said Court of Chancery; and in every Case in which any Money, Funds, Annuities, or Securities, or other Property, would, on or after the said First Day of *August* One thousand eight hundred and fifty, be payable or transferrable into the Name of or become vested in the Accountant General of the said Court of Exchequer, and which, when paid or transferred accordingly, would be subject to the Order of the same Court sitting as a Court of Equity, the same Money, Funds, Annuities, Securities, and other Property shall be paid, transferrable, and transferred into the Name of or vested in the Accountant General of the said Court of Chancery, in trust to attend the Order of the said Court of Chancery, and the same shall be applicable to the same Purposes as the same would have been applicable if this Act had not passed, except where otherwise directed by this Act; and that all Money, Funds, Annuities, Securities, and Property which shall be so paid and transferred into the Name of the said Accountant General of the Court of Chancery, and which, before the passing of this Act, or in case this Act had not passed, were paid or transferred, or would have been payable or transferrable, to the Accountant General of the Court of Exchequer, by virtue of any Act or Acts already passed or hereafter to be passed, or other Authority whatsoever, shall be held subject to such or the like Orders and Directions of the said Court of Chancery, and subject to such Powers and Provisions, as the same would have been subject to in case the same had been originally directed or authorized to have been paid and transferred into the Name of the Accountant General of the said Court of Chancery, and had been made originally subject to the Orders and Directions of the last-mentioned Court; and the Orders and Directions of the said Court of Chancery relating thereto shall have the same Force and Effect as any like Orders and Directions of the Court of Exchequer relating thereto would have had if this Act had not passed.

General of Court of Chancery.

Stocks, &c. transferrable into the Name of the Accountant General of the Court of Exchequer to become transferrable into the Name of the Accountant General of Court of Chancery.

IX. And whereas under the Provisions of an Act passed in the Session of Parliament holden in the Sixth and Seventh Years of the Reign of Her Majesty, intituled *An Act for the Amendment of the Proceedings and Practice of the Equity Side of the Court of Exchequer in* Ireland, a Sum of Thirty thousand Pounds out of the Cash belonging to the Suitors of the said Court then lying in the Bank of *Ireland* unproductive to the Suitors was invested in Government Securities, and placed to an Account, intituled "An "Account of the Compensation and Fee Fund of the Suitors of the "Court of Exchequer in *Ireland*," and the Interest and annual Produce arising from the Securities in which the said Sum was invested have been from Time to Time received by the Governor and Com-

Exchequer Compensation and Fee Fund invested under 6 & 7 Vict. c. 55. to be continued.

pany of the Bank of *Ireland*, and placed to the Credit of the Accountant General of the said Court in an Account called "An Account "of the Interest and Produce of the Compensation and Fee Fund of "the Suitors of the Court of Exchequer in *Ireland*," and have been issued and applied, pursuant to the Directions of the said Act, so far as the said Interest and annual Produce have extended, to the Payment of the Compensations ascertained under the said Act, and thereby made payable to certain Officers of the said Court; and the said Interest and annual Produce not being adequate to the Payment of the whole Amount of the said Compensations, the Deficiency thereof has been, according to the Directions of the said Act, from Time to Time and still continues to be payable out of the Consolidated Fund of the United Kingdom: Be it enacted, That upon and after the Transfer, under the Provisions of this Act, of the Stocks, Funds, Annuities, and Securities standing in the Name of the Accountant General of the said Court of Exchequer to the Credit of the Accountant General of the Court of Chancery, the said Sum of Thirty thousand Pounds shall be continued and maintained out of the common Cash or Money of the Suitors of the said Court of Chancery which may be from Time to Time unemployed as an Investment in the Name of the Accountant General of the said Court of Chancery in the same Account, as by the said Act directed; and the Interest and annual Produce arising from the Securities in which the said Sum is or shall be invested shall be issued and applied, under the Orders of the said Court of Chancery, to the Purposes and in the Manner directed by the said Act and this Act.

Power to Court of Chancery to direct the Sum invested to be called in.

X. And be it enacted, That if at any Time the whole or any Part of the said Sum so invested or to be invested shall be wanted to answer any of the Demands of the Suitors of the said Court, then and in such Case the Court may and shall direct the same or any Part thereof to be called in, or the Securities on which the same may be placed to be disposed of, in order that the Suitors of the said Court may at all Times be paid their respective Demands out of the common and general Cash belonging to such Suitors; but it shall be lawful for the said Court, and the said Court shall, if enabled so to do, replace the Sum so called in, or any Sum which may have been called in, out of the said Sum of Thirty thousand Pounds, by any Order or Orders of the said Court of Exchequer, before the Transfer of the said Stocks, Funds, and Securities to the Credit of the Accountant General of the Court of Chancery as aforesaid, by any new Investment or Investments of the like Nature out of the said common and general Cash, and so from Time to Time as Occasion may require to maintain the Fund provided by the said Act in Relief of the Charge on the Consolidated Fund by the said Act created.

XI. And

XI. And be it enacted, That it shall be lawful for the Lord Chancellor to make such Orders from Time to Time as to him shall seem meet with respect to the Time and Manner of arranging the Balances of the Accountant General of the said Court of Chancery with the Bank of *Ireland*, and generally for carrying this Act into complete Effect, so far as the same relates to the Business of the Office of the said Accountant General, and the Transfer of Property from the Accountant General of the Court of Exchequer to the Accountant General of the Court of Chancery, anything in any Act or Acts now in force to the contrary thereof notwithstanding; and it shall also be lawful for the Lord Chancellor from Time to Time to make such Orders as he shall think fit for regulating the Charity Box Fund of the said Court of Exchequer, and continuing the Fees and Fines now payable thereto upon the Proceedings and Matters hereby transferred to the said Court of Chancery, and also, if necessary, for consolidating the said Fund with the like Funds in the said Court of Chancery.

Court of Chancery to make Orders as to the arranging of Balances with the Bank, &c.

Lord Chancellor may make Orders as to Charity Box Fund.

XII. And be it enacted, That on the said First Day of *August* One thousand eight hundred and fifty the Offices of the several Officers and Clerks on the Equity Side of the Court of Exchequer shall be abolished.

Offices of the Court of Exchequer abolished.

XIII. And be it enacted, That all the Bills, Informations, Answers, Decrees, Affidavits, and Proceedings of the said Court of Exchequer as a Court of Equity (except as aforesaid), and all Decrees and Minute Books, and all other Books and Documents whatsoever, relating exclusively to Proceedings in the said Court of Exchequer as a Court of Equity (except as aforesaid), shall on the said First Day of *August* One thousand eight hundred and fifty, or as soon after as conveniently may be, be delivered, by the several Officers of the said Court of Exchequer now having the Custody of the same, to such Person or Persons as shall be appointed by the Master of the Rolls to receive and take charge of the same, by Warrant under his Hand, approved of and countersigned by the Lord Chancellor; and from and after such Delivery the said Bills, Informations, Answers, Decrees, and other Proceedings shall be deemed Records of the Court of Chancery in the Custody of the Master of the Rolls as fully as if the same had originally been like Records of the said Court of Chancery; and all such of the other Records, Books, and Papers now in the Care and Custody of any of the Officers of the Equity Side of the said Court of Exchequer as shall be agreed upon between the Lord Chancellor and the Lord Chief Baron of the said Court shall be delivered over into the Hands and Care of such Person or Persons as shall be appointed by the Master of the Rolls to receive and take charge of them, by Warrant under his Hand, approved of and countersigned by the Lord Chancellor, subject nevertheless

Pleadings, &c. in Causes, &c. in the Court of Exchequer as a Court of Equity to be delivered to such Persons as the Master of the Rolls shall direct, and deemed Records of Court of Chancery;

certain other Records to be transferred to Chancery;

nevertheless to such Regulations as the Master of the Rolls shall, with the Approbation of the Lord Chancellor and the Commissioners of Her Majesty's Treasury, from Time to Time make touching the same; and all such further Records, Books, and Papers as last aforesaid as may be so agreed upon as aforesaid by the Lord Chancellor and the Lord Chief Baron shall be delivered over into the Hands and Care of the Master on the Pleas Side of the said Court of Exchequer, subject nevertheless to such Regulations as the said Master shall, with the Approbation of the said Lord Chief Baron and the Commissioners of Her Majesty's Treasury, from Time to Time make touching the same.

and certain other Records to be retained in the Exchequer.

Power to Lord Chancellor, &c. to reverse, &c. Orders of the Court of Exchequer.

XIV. And be it enacted, That the Lord Chancellor and the Master of the Rolls respectively shall from and after the said First Day of *August* have such and the same Power to reverse, discharge, or alter Decrees or Orders of the said Court of Exchequer, in Suits and Matters hereby transferred to the said Court of Chancery, as they would have had if the same Decrees or Orders had been made respectively in Suits or Matters depending in the said Court of Chancery: Provided always, that any Decree or Order of the Master of the Rolls reversing, discharging, or altering any Decree or Order of the said Court of Exchequer, shall be subject to be reversed, discharged, or varied by the Lord Chancellor.

Appointment of A. Lyle, Esq., to be a Master in Chancery.

XV. And be it enacted, That *Acheson Lyle* Esquire, the present Chief Remembrancer of the said Court of Exchequer, shall, on the said First Day of *August* One thousand eight hundred and fifty, become by force of this Act a Master in Ordinary of the High Court of Chancery, in addition to the present Masters in Ordinary of the said Court of Chancery, with the like Privileges, Duties, Powers, Authority, and Jurisdiction which are now vested in or may be exercised by a Master in Ordinary of the said Court of Chancery; and he and his Successors shall take the usual Oaths before the Lord Chancellor, in like Manner as the same are at present administered to Masters in Ordinary of the said Court of Chancery; and all References which on the said First Day of *August* shall be depending before the Chief or Second Remembrancer on the Equity Side of the said Court of Exchequer shall be by force of this Act transferred to the said *Acheson Lyle* as a Master in Ordinary of the said Court of Chancery, and such other References shall also be made to the said *Acheson Lyle* by the said Court of Chancery as the Lord Chancellor shall by any General Order from Time to Time direct.

Her Majesty empowered by Letters Patent to ap-

XVI. And be it enacted, That upon the Death, Resignation, or Removal from Office of the said *Acheson Lyle*, and upon the Death, Resignation, or Removal from Office of any of his Successors, it shall be

be lawful for Her Majesty from Time to Time, by Letters Patent under the Great Seal of *Ireland*, to appoint a fit and proper Person, qualified as now by Law provided in respect to the Masters in Ordinary of the said Court, to supply such Vacancy: Provided always, that no new Appointment of a Master in Ordinary of the said Court shall be made whilst there shall be Four Masters in Ordinary continuing in Office, unless the Commissioners of Her Majesty's Treasury shall have given their Consent to the making of such Appointment.

point Successors to Mr. Lyle;

No new Appointment to be made whilst there be Four Masters, without Consent of the Treasury.

XVII. And be it enacted, That the said *Acheson Lyle* Esquire, and his Successors in the Office of Master of the said Court of Chancery, shall have the same Powers and Privileges with respect to the Appointment of a Chief and Junior Clerk as are now or shall hereafter be exercised and enjoyed by the other Masters in Ordinary of the said Court; and such Chief Clerk and Junior Clerk respectively shall perform all the same Duties, with respect to the Receipt and Payment of Fees, and in all other respects, as the Chief Clerks and Junior Clerks of the Masters in Ordinary of the said Court of Chancery respectively now do or may for the Time being perform, and shall hold their respective Offices and be paid in like Manner as such Chief Clerks and Junior Clerks now do or may for the Time being hold their respective Offices and are now paid.

Power to new Master to appoint Clerks.

XVIII. Provided always, and be it enacted, That the said *Acheson Lyle* Esquire shall be entitled to a Salary of the like Amount, and to the like Annuity on Retirement, as a Master in Ordinary of the said Court of Chancery appointed after the passing of this Act will be entitled, to under the Provisions herein contained; but in estimating the Period of Service of the said *Acheson Lyle*, with a view to the Amount of such Superannuation Allowance, it shall be lawful to reckon the Number of Years during which he has successively filled the Office of Chief or Second Remembrancer of the said Court of Exchequer along with those during which he may fill the Office of Master of the said Court of Chancery.

New Master to have the like Salary and retiring Annuity as a Master appointed after passing of Act.

XIX. And be it enacted, That all the Duties now performed by the Officers of the Equity Side of the said Court of Exchequer in respect to Revenue Business, save so far as such Duties shall have been discharged in connexion with any Jurisdiction exercised or exercisable by the said Court of Exchequer sitting as a Court of Equity, shall from and after the said First Day of *August* be discharged by the Master and other Officers and the Assistants and Clerks of the Pleas Side of the said Court, in like Manner and in addition to the Duties specifically assigned to their Offices respectively by the Act passed in the Seventh and Eighth Years of the Reign of Her Majesty, intituled *An Act to regulate and reduce the Expenses of the Offices attached to the Superior Courts of*

Certain Duties to be performed by the Master and Officers of the Pleas Side of the Exchequer.

Common Law in Ireland *payable out of the Consolidated Fund*, each Officer, Assistant, and Clerk discharging such of the said Duties in Revenue Business as are of a like Nature with the Duties discharged by him under the said Act, and according as shall be from Time to Time directed and regulated by any General Order of the said Court of Exchequer; and such Duties shall in future form a Portion of the Duties of the said Offices of Master and other Officers in like Manner and as fully and effectually as if the same had been enumerated and specified in the said Act; and with respect to such Business the said Master and other Officers shall stand and be in the Place of the said Officers of the Equity Side of the said Court, to all Intents and Purposes whatsoever.

Fees in respect to Revenue Business to cease, and Proceedings, &c. to be liable to Law Fund Duties in lieu thereof, pursuant to 1 & 2 G. 4. c. 112.

XX. And be it enacted, That the Fees now receivable by the Officers on the Equity Side of the said Court in respect to Revenue Business shall cease and determine and be no longer receivable, and that in lieu thereof the several Proceedings, Instruments, Matters, and Things with reference to which such Fees have been heretofore payable shall be respectively liable to the Law Fund Duties provided as to Proceedings, Instruments, Matters, and Things of a like Nature in and by an Act passed in the First and Second Years of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to grant for the Term of Five Years additional Stamp Duties on certain Proceedings in the Courts of Law, and to repeal certain other Stamp Duties, in* Ireland, and in and by any other Act or Acts continuing the said last-mentioned Act, as fully and effectually as if the said Proceedings, Instruments, Matters, and Things had been specially mentioned and enumerated in and by the said Act and the Schedule thereunto annexed, and shall be deemed and taken to have been included therein, anything to the contrary in anywise notwithstanding.

The Master on the Pleas Side also to perform all other Duties of the Equity Officers not otherwise provided for, and to audit Sheriffs Accounts.

5 & 6 W. 4. c. 55. s. 31.

XXI. And be it enacted, That it shall also be the Duty of the said Master at the Pleas Side of the said Court of Exchequer to perform all such Duties as are now performed by the Officers of the Equity Side of the Court of Exchequer in respect to Matters not hereby transferred to the Court of Chancery, or otherwise specially provided for, and also to perform all such Duties in respect to the Audit of Sheriffs Accounts as are now performed by the Chief Remembrancer of the said Court, pursuant to an Act passed in the Session of Parliament held in the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for facilitating the Appointment of Sheriffs in* Ireland, *and for the more effectual Audit and passing of their Accounts; and for the more speedy Return and Recovery of Fines, Fees, Forfeitures, Recognizances, Penalties, and Deodands; and to abolish certain Offices in the Court of Exchequer in* Ireland; *and to amend the Laws*

Laws relating to Grants in custodiam and Recovery of Debts in Ireland; *and to amend an Act of the Second and Third Years of His present Majesty, for transferring the Powers and Duties of the Commissioners of Public Accounts in* Ireland *to the Commissioners for auditing the public Accounts in* Great Britain; and the said Master shall have the like full Powers in all respects, for all Purposes connected with the Audit and Declaration of the said several Accounts, as are now possessed by the said Chief Remembrancer, and as fully as if the said Master had been specially named in the said Act for that Purpose.

The Master of Exchequer to have to aid him in discharge of his Duties One of the Clerks now employed in the Revenue Business.

XXII. And be it enacted, That the said Master shall have to aid him in the Discharge of the said Duties hereby transferred to him such One of the Clerks now employed in Revenue Business in the Secondary's Office of the said Court of Exchequer, hereby abolished, as shall be selected by the Lord Chief Baron of the said Court, and who shall be subject to the Control of the said Master, in like Manner with the other Clerks in the Offices under his Superintendence, and shall be entitled to receive such Salary as the Commissioners of Her Majesty's Treasury shall direct, not exceeding the Sum of One hundred and fifty Pounds yearly, which Salary shall be payable in like Manner and out of the same Fund as provided for Payment of Salaries in and by the said recited Act of the Seventh and Eighth Years of Her Majesty's Reign; and in the event of a Vacancy by the Death, Resignation, or Removal of such Clerk, it shall be lawful for the said Commissioners of the Treasury to authorize the said Master, if they shall think fit, to appoint another Person to such Vacancy, at such Salary not exceeding the Salary hereby authorized as to the said Commissioners shall appear proper.

Master in Chancery to audit certain Accounts now audited by Remembrancers, pursuant to 7 & 8 Vict. c. 97., 7 W. 4. & 1 Vict. c. 54., and 5 & 6 W. 4. c. 55. s. 39.

XXIII. And be it enacted, That such One of the Masters of the Court of Chancery as shall be appointed by the Lord Chancellor for that Purpose shall perform all such Duties as are now required to be performed by the Chief or Second Remembrancer of the said Court of Exchequer, in respect to the Audits of the Accounts under a certain Act passed in the Session of Parliament holden in the Seventh and Eighth Years of Her Majesty's Reign, intituled *An Act for the more effectual Application of Charitable Donations and Bequests in* Ireland, and under a certain other Act passed in the First Year of the Reign of Her present Majesty, intituled *An Act to provide more effectual Means to make Treasurers of Counties and Counties of Cities in* Ireland *account for public Monies, and to secure the same*, as also all such Duties as are required to be performed by the said Chief Remembrancer in respect to the Audit of such other public Accounts as may be specially referred to him by the Lords Commissioners of Her Majesty's Treasury, pursuant to the said recited Act passed in the Session of Parliament

ment holden in the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth; and the said Master shall have the like full Powers in all respects for all Purposes connected with the Audit of the said several Accounts as are now by Law possessed by the said Chief or Second Remembrancers, and as fully as if the said Master had been specially named in each of said several Acts for that Purpose; and the said Master shall have to aid him in the Discharge of the said Duties relating to the said Accounts under the said Act of the First Year of the Reign of Her present Majesty the several Clerks now authorized to be employed for that Purpose, or who may be from Time to Time authorized for that Purpose by like Authority, and which Clerks shall be paid out of the same Funds as heretofore, and be subject to the like Control by the said Master as heretofore by the said Chief Remembrancer.

Accounts of Fines and Penalties to be audited by Chief or Under Secretary, under 6 & 7 Vict. c. 56. s. 21.

XXIV. And be it enacted, That the Chief or Under Secretary to the Lord Lieutenant shall audit and declare the Accounts of Fines and Penalties, pursuant to the Provisions of a certain Act passed in the Sixth and Seventh Years of the Reign of Her said Majesty, intituled *An Act for the better Collection of Fines, Penalties, Issues, Deodands, Amerciaments, and forfeited Recognizances in* Ireland, *and for the Appropriation thereof;* and the said Chief or Under Secretary shall possess all such Powers in that Behalf as are by the said Act or any other Acts now possessed by the said Chief or Second Remembrancer in respect to same, as fully and effectually as if he had been named in said Acts for that Purpose; and the said Chief and Under Secretary shall have to aid them in the Examination of the said Accounts the several Clerks now authorized to be employed for that Purpose, or who may be from Time to Time authorized for that Purpose by like Authority, and which Clerks shall be paid out of the same Funds as heretofore, and be subject to the like Control by the said Chief or Under Secretary as heretofore by the said Chief or Second Remembrancer.

Persons deprived of Offices or Employments by this Act entitled to claim Compensation of the Treasury.

XXV. And be it enacted, That each and every Person having any Office or Employment on the Equity Side of the Court of Exchequer who shall by the Operation of this Act be deprived of such Office or Employment, or of any Emoluments arising therefrom, shall be entitled to make a Claim for Compensation to the Commissioners of Her Majesty's Treasury; and it shall be lawful for the said Commissioners, in such Manner as they shall think fit, to inquire what was the Nature of the Office or Employment, and what was the Tenure thereof, and what were the lawful Salary or Emoluments in respect of which such Compensation should be allowed; and the said Commissioners in each Case shall award such Compensations (if any) as shall be just, and all such Compensations shall be paid as herein-after directed: Provided always, that if any Person ceasing under this

Enactment to be continued or employed as aforesaid shall be appointed by or after the passing of this Act to any public Office or Employment, the Payment of the Compensation awarded to him under this Act, so long as he shall continue to receive the Salary or Emoluments of such Office or Employment, shall be suspended, if the Amount of such Salary or Emoluments be greater than the Amount of such Compensation, or, if not, shall be diminished by the Amount of such Salary or Emoluments: Provided also, that an Account of all such Compensations shall, within Fourteen Days next after the same shall be so granted, be laid upon the Table of the House of Commons, if Parliament be then assembled, or if Parliament be not then assembled, then within Fourteen Days after the meeting of Parliament then next assembled.

Compensations awarded under this Act to be paid out of Funds mentioned in 6 & 7 Vict. c. 55. and 7 & 8 Vict. c. 90.

XXVI. And whereas, under the Provisions of the said Act of the Sixth and Seventh Years of Her Majesty's Reign, and of another Act of the Seventh and Eighth Years of Her Majesty's Reign, intituled *An Act for the Protection of Purchasers against Judgments, Crown Debts, Lis pendens, and Commissions of Bankruptcy, and for providing One Office for the Registry of all Judgments in* Ireland, *and for the amending the Laws in* Ireland *respecting Bankrupts and the Limitation of Actions*, the official Incomes of certain of the said Officers at the Equity Side of the said Court of Exchequer have been ascertained in the Manner by the said Acts directed, and the said Officers are entitled to receive as Compensation any Deficiency of such Incomes, after giving Credit for the net Amount of Fees received by such Officers respectively in each Year, which Compensations are payable out of the Accounts and Funds mentioned in the said Acts respectively: Be it enacted, That any Compensations to be as aforesaid awarded under the Authority of this Act to any of the said Officers whose Incomes have been so provided for under and by virtue of the said Acts shall be paid and payable to each such Officer out of the said Accounts and Funds in the said Acts respectively mentioned, so far as the same will extend; and in case the said Accounts and Funds shall be inadequate to the Payment of the whole Amount of the said Compensations to be awarded under this Act, the Amount of the said Compensations beyond what can be satisfied out of the said Accounts and Funds shall be charged upon and paid out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, by way of Advance in aid of the said Accounts and Funds, to be repaid as herein-after provided; and all other Compensations to be so as aforesaid awarded under the Authority of this Act shall be charged and chargeable and paid and payable, in the first place, upon and out of the Funds in the Bank of *Ireland* standing in the Name of the Accountant General of the Court of Chancery to the Credit of the Account called "An Account "of the Interest and Produce of the Compensation and Fee Fund of

If Funds inadequate, Deficiency to be paid out of Consolidated Fund, to be repaid as herein mentioned.

" the Suitors of the Court of Chancery in *Ireland*," as far as the same will extend, after Payment of prior Charges, and, in the next place, out of the Funds in the said Bank standing in the Name of the said Accountant General to the Credit of the Account called "The Suitors Fee Fund Account;" and in case both the Funds shall be inadequate to the Payment of the whole of such Compensations, the Amount of the Compensations beyond what can be so satisfied shall be charged and chargeable and paid and payable upon and out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, by way of Advance in aid of the said Suitors Funds, to be repaid as herein-after provided; and every such Sum as and for annual Compensation to be awarded in pursuance of this Act shall be payable and paid on every Fifth Day of *January*, Fifth Day of *April*, Fifth Day of *July*, and Tenth Day of *October*, the first Payment thereof to be made on the first of said quarterly Days which shall next follow the Day of the Commencement of this Act.

Compensations to be a Charge in favour of the Crown against Suitors Funds.

XXVII. Provided always, and be it enacted, That the several Sums of Money which shall from Time to Time be paid and advanced by way of Compensation, under the Authority of this Act, out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, to the several Officers of the said Court of Exchequer whose Incomes have been so provided for under and by virtue of the said Act of the Sixth and Seventh Years of the Reign of Her present Majesty, shall become and remain a Charge in favour of the Crown against the said Account called "An Account of the Interest and "Produce of the Compensation and Fee Fund of the Suitors of the "Court of Exchequer in *Ireland*," and the several Sums of Money which shall from Time to Time be so paid and advanced for or in aid of any other Compensations to be awarded under this Act shall become and remain a Charge in favour of the Crown against the same Account, and also against the said Account called "An "Account of the Interest and Produce of the Compensation and Fee "Fund of the Suitors of the Court of Chancery in *Ireland*," and also against the said Account called "The Suitors Fee Fund Account," as far as the same will extend, after Payment of prior Charges, and the same shall be repaid to the proper Officers of Her Majesty's Exchequer, to be carried to the Credit of the Consolidated Fund, at such Times and in such Manner as the Lord High Treasurer or the Commissioners of Her Majesty's Treasury shall order and direct.

Salaries of future Masters in Chancery in Ireland to be reduced to the same

XXVIII. And whereas it is expedient that the Salary affixed to the Office of Master in Chancery in *England* and of Master in Chancery in *Ireland* should be assimilated, and for this Purpose that the Salary of any Master to be hereafter appointed in the Court of Chancery in *Ireland* shall be reduced to the same Sum as is now by

Law payable for the Salary of a Master in the Court of Chancery in *England:* Be it therefore enacted, That from and after the passing of this Act so much of an Act passed in the Fourth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for the better Administration of Justice in* Ireland, as directs the Payment of the annual Sum of Three thousand Pounds *Irish* Currency to every Master of the Court of Chancery in *Ireland*, and authorizes the Grant of Annuities to Persons who may or shall have executed the Office of Master as therein mentioned, shall, so far as regards every such Master to be appointed after the passing of this Act, be repealed, and in lieu of such annual Sum there shall be issued and paid and payable, during good Behaviour, to each and every Master of the said Court of Chancery in *Ireland* who shall be appointed after the passing of this Act, the annual Sum of Two thousand five hundred Pounds Sterling, out of and charged and chargeable upon the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, every such annual Sum to be issued in pursuance of this Act to be from Time to Time payable and paid quarterly, free and clear from all Taxes and Deductions whatever, on every Fifth Day of *January*, Fifth Day of *April*, Fifth Day of *July*, and Tenth Day of *October* in each Year.

Amount as paid to Masters in England.

4 G. 4. c. 61.

XXIX. And be it enacted, That it shall and may be lawful for Her Majesty, Her Heirs and Successors, by Letters Patent under the Great Seal of *Ireland*, to give and grant unto any Person who may or shall have executed the Office of Master in Ordinary of the Court of Chancery for the Term of Twenty Years, or to any Person having executed such Office for any shorter Period not less than Ten Years, who shall after his Appointment to such Office have become afflicted with any permanent Infirmity disabling him from the due Execution of his Office, and who shall be desirous of resigning the same, an Annuity not exceeding One Half of his Salary in case the said Master shall have served in such Office Twenty Years, and not exceeding One Third of his Salary in case he shall have served for a shorter Period, and an Annuity not exceeding Two Thirds of his Salary in case such Master shall have served in such Office Twenty-five Years, and an Annuity not exceeding Five Sixths in case such Master shall have served in such Office for Thirty Years or more, in which Letters Patent the Cause or Ground for making thereof shall be distinctly stated and specified; and the Annuity so granted shall be paid accordingly out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, by even and equal quarterly Payments on the Fifth Day of *January*, Fifth of *April*, Fifth of *July*, and Tenth of *October* in every Year, to such Master, from the Period at which he shall resign his said Office, for the Term of his natural Life, without any Deduction for Fees, Poundage, or otherwise: Provided

Retired Annuities of Masters fixed in same Proportion as hitherto, according to altered Salaries.

vided always, that no Annuity shall in any Case be granted under this Act to any Master unless such Master shall have served in Office during the full Term of Ten Years.

Power to diminish or increase Number of Officers, and their Salaries.

XXX. And be it enacted, That if at any Time after the Commencement of this Act it shall be found that the Establishments of the Offices of the said Court of Chancery, or any of them, are in point of Number of Assistants or Clerks either excessive or insufficient, or that it is expedient either to diminish or increase the Salaries of the Officers, Assistants, or Clerks, or any of them, the Lord Chancellor shall notify the same to the Commissioners of Her Majesty's Treasury, stating the Circumstances which may have caused any such Changes to be necessary or expedient, and thereupon it shall and may be lawful to and for the said Commissioners, and they are hereby authorized, by their Warrant, to reduce or increase such Establishments or Salaries, as the Case may require, provided that no Salary shall be so diminished unless when the Office or Employment for which it is payable shall be vacant; and it shall be lawful for the said Commissioners of the Treasury to remove the requisite Number of Persons from any Office or Offices in which the Business shall have decreased to any Office or Offices in which it shall have increased; and every such Arrangement, Removal, or Appointment, Reduction or Increase, to be made by the said Commissioners shall be as good and valid as if the same had been made by, under, or by virtue of this Act, anything to the contrary notwithstanding.

Interpretation of Terms.

XXXI. And be it enacted, That in the Construction of this Act the Expression "Her Majesty" shall mean also and include the Heirs and Successors of Her Majesty; and the Expression "Lord Chancellor" shall mean also and include the Lord Chancellor, Lord Keeper and Lords Commissioners for the Custody of the Great Seal of *Ireland*, for the Time being; and that Words in this Act importing the Singular Number or the Masculine Gender shall be understood to include several Matters as well as one Matter, and several Persons as well as one Person, and Females as well as Males, and Bodies Corporate as well as Individuals; and this Act shall only extend to that Part of the United Kingdom called *Ireland*.

Act may be amended, &c.

XXXII. And be it enacted, That this Act may be altered, amended, or repealed during this Session of Parliament.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1850.

ANNO DECIMO TERTIO & DECIMO QUARTO

VICTORIÆ REGINÆ.

***

One Body Politic and Corporate by the Name of "The General Board of Health," and by that Name shall have perpetual Succession and a Common Seal, and shall sue and be sued, and have Power and Authority (without any Licence in Mortmain) to take, purchase, and hold Lands, Tenements, and Hereditaments for the Purposes of this Act.

Power to Board to appoint and remove Assistant Secretary, Treasurer, &c.

III. And be it enacted, That it shall be lawful for the said Board from Time to Time to appoint or employ, for the Purposes of this Act, an Assistant Secretary, a Treasurer, and such Clerks and Officers, and for and in each Burial Ground to be provided by the said Board under this Act a Warden, and such Assistants, Grave-diggers, and other Servants as they deem necessary, and to remove such Assistant Secretary, Treasurer, Clerks, Wardens, Officers, and Servants, or any of them.

Appointments limited to Duration of Appointments under Public Health Act.

IV. And be it enacted, That no additional Member of the said Board to be appointed under this Act, and no Assistant Secretary, Treasurer, or other Officer to be appointed as aforesaid, shall hold his Office after the Expiration of the Period for which "The Public Health Act, 1848," provides that the said General Board of Health shall be continued.

Board to provide Offices.

V. And be it enacted, That the said Board shall provide such Offices as they may think necessary for the Purposes of this Act, and for providing such Offices may purchase by Agreement or take on Lease any Lands which may appear to them convenient for the same.

Power to Board to provide Burial Grounds, and enlarge them if necessary.

VI. And be it enacted, That the said Board shall from Time to Time provide, in such Places as, having regard to the public Health, may appear to them expedient, and either within or without the Limits of the District, Burial Grounds of sufficient Extent for the decent Interment of the Bodies of all Persons dying within the District; and it shall be lawful for the said Board, from Time to Time, in case it appear to them necessary or expedient so to do, to enlarge any Burial Ground provided by them under this Act, and to make any Road to such Burial Ground, or, with the Consent of the Owner of any existing Road, or of the Persons in whom the Management thereof may by Law be vested, to widen or improve such existing Road, for facilitating the Approach to such Burial Ground; and for providing any Burial Ground under this Act, or enlarging any such Burial Ground, or making, widening, or improving Roads or Approaches thereto, it shall be lawful for the said Board to purchase by Agreement any Lands which it may appear to them expedient to purchase for such Purpose.

Power to purchase Lands for Burial Grounds.

VII. Pro-

VII. Provided always, and be it enacted, That for the Purposes of this Act the said Board may, if they see fit, purchase and take by Agreement or otherwise all or any of the Cemeteries mentioned in the Schedule (B.) to this Act, subject to the Rights to Graves, Vaults, and Monuments subsisting therein, and, subject to such subsisting Rights, and save as herein-after mentioned, all the Provisions of this Act concerning Burial Grounds provided thereunder shall extend to the Cemeteries purchased as aforesaid; provided that no such Cemetery shall be taken otherwise than by Agreement after the Expiration of Two Years from the passing of this Act.

Power to Board to purchase Cemeteries.

VIII. Provided always, and be it enacted, That before the said Board enter into any Agreement for the Purchase of any Lands as aforesaid for the Site of any Burial Ground, (save any such Cemetery as aforesaid, or any Land required for enlarging any such Cemetery or Burial Ground,) they shall give public Notice, by Advertisement to be inserted not less than Twice in each of Two daily Newspapers published in *London* or *Westminster*, inviting Tenders by Persons willing to sell Lands for the Purposes for which the same are required by the said Board; and no such Agreement for Purchase as aforesaid shall be entered into by the said Board until the Expiration of Six Weeks from the Time of the Insertion of the First of such Advertisements.

Before Purchase of Land for Burial Grounds the Board to give Six Weeks Notice by Advertisement for Tenders.

IX. And be it enacted, That it shall be lawful for the said Board to enclose and lay out the Burial Grounds provided under this Act, in such Manner, and to erect and make therein such Buildings and other Works, as may appear to them fitting and proper, and to build in every such Burial Ground a suitable Chapel for the Performance of Burial Service according to the Rites of the United Church of *England* and *Ireland*, or where there is any Chapel already built, and consecrated according to the Rites of the said United Church, in any Cemetery purchased under this Act, to enlarge such Chapel, if it appear to the said Board necessary so to do for the Performance of such Service; and every such Chapel, and every Burial Ground, provided under this Act, except such Portion thereof as may not be intended to be used for the Burial of the Dead according to the Rites of the said United Church, may be consecrated by the Lord Bishop of the Diocese within which such Chapel is situated; and every Chapel consecrated according to the Rites of the said United Church in any Burial Ground provided under this Act, and the Portion consecrated as aforesaid of every such Burial Ground, shall be subject to the Jurisdiction of the said Bishop, and no Service shall be performed in the Burial of the Dead in the Portion consecrated according to the Rites of the said United Church of any

Board to enclose and lay out Burial Grounds, erect Buildings, and build Chapels.

any Burial Ground provided under this Act otherwise than according to the Rites of such Church.

Power to Board to appoint Chaplains, who shall be licensed by and subject to the Jurisdiction of the Bishop.

X. And be it enacted, That the said Board shall from Time to Time appoint so many Clerks in Holy Orders as they may think necessary to be Chaplains to officiate in the Burial Grounds provided under this Act, and such Chaplains shall be licensed by and subject to the Jurisdiction of the Bishop of the Diocese, and the Consent of the Incumbent of the Parish in which any such Burial Ground may be situate shall not be required to the Grant of any such Licence, and every such Licence shall be revocable by the said Bishop when he thinks fit; and the said Board may assign to such Chaplains such Duties in relation to the Time and Place of the Performance of the Burial Service in the Portions consecrated as aforesaid of the Burial Grounds provided under this Act as the said Board may from Time to Time think fit; and the said Board shall have Power to remove such Chaplains: Provided always, that the Incumbent of the Parish from which any Body is brought may, by himself or his Curate, upon giving Notice as herein-after mentioned, perform such Service over such Body, where he desires so to do, and, subject to the Rights of such Incumbent and the Regulations of the said Board, any other Clerk in Holy Orders not prohibited by the Bishop, nor under Ecclesiastical Censure, may perform such Service.

A Portion of each Burial Ground not to be consecrated.

XI. And be it enacted, That a Portion of every Burial Ground provided under this Act shall not be consecrated as aforesaid, and the said Board may build thereon a suitable Chapel or Chapels for the Performance of Funeral Service; and so much of any of the Cemeteries mentioned in the said Schedule (B.) which shall be purchased under this Act as may not have been consecrated at the Time of such Purchase thereof, and may have been used or appropriated for the Purposes of Interment, shall remain unconsecrated, and where there is any Chapel on such unconsecrated Part of any such Cemetery the said Board may, if they think necessary, enlarge such Chapel for the Performance of Funeral Service.

Notice to be given in the London Gazette when a Burial Ground is provided under this Act.

XII. And be it enacted, That when the said Board have provided any Burial Ground, and have made all such Arrangements as they may think necessary for the Interment in such Ground of the Bodies of the Dead, and after the Consecration of such Portion thereof as may require Consecration, they shall give Notice in the *London* Gazette that they have provided such Burial Ground, and that Interments may be made therein; and after such Notice Interments may be made in such Burial Ground under this Act.

XIII. And

XIII. And be it enacted, That when the said Board shall be of opinion that Interment (otherwise than in the Burial Grounds provided under this Act) should be discontinued, wholly or subject to any Exception or Exceptions, in any Part or Parts of the District, they shall report to Her Majesty their Opinion accordingly, and so from Time to Time when the said Board shall be of opinion that Interment (otherwise than as aforesaid) should be so discontinued in any Part or Parts of the District in which such Interment has not been already ordered to be discontinued, or in any Place excepted from any former Order for the Discontinuance of Interment, they shall report to Her Majesty in like Manner; and at any Time after the Presentation of any such Report it shall be lawful for Her Majesty, by and with the Advice of Her Privy Council, to order that after a Time mentioned in the Order Interment in the Churches, Chapels, and Churchyards, and other Burial Places, and elsewhere within any Part or Parts in any such Report or Reports and in such Order mentioned, of the District, shall be wholly discontinued, or shall be discontinued subject to any Exception or Exceptions mentioned in such Order; and any such Order may direct that the Care of any Non-parochial Burial Ground in which Interment is ordered to be discontinued shall be vested in the said Board, and may authorize such Board to cause such Ground to be fenced in such Manner as the said Board may think suitable, and otherwise to act in relation to such Ground as may appear to such Board fit and proper for securing due Respect to the Bodies interred therein, and for protecting the public Health; and every such Order shall be published in the *London Gazette;* provided that Notice of every such Report, and of the Time when it shall please Her Majesty to order that the same be taken into consideration by the Privy Council, shall be published in the *London Gazette*, and shall be affixed on the Doors of the Churches or Chapels, or on some other conspicuous Places within the Part or Parts of the District to which such Report relates, One Calendar Month, or, where any Order made under "The Nuisances Removal and Diseases Prevention Act, 1848," directing the Provisions of that Act for the Prevention of epidemic, endemic, and contagious Diseases to be put in force, is in force within such Part or Parts, then Seven Days, at the least before such Report is so considered.

Queen in Council may, upon Report of Board, order Discontinuance of Interment in Churchyards, &c.

XIV. And be it enacted, That, subject to the Provisions herein contained, and the Regulations made under this Act, the Parishioners and Inhabitants of the several Parishes and Places within the District, (after the Time from which Interment has been ordered to be discontinued in the whole District,) or within any Part or Parts of the District

Inhabitants of Parishes comprised in the District, or within any Part of the District, in which Inter-

ment is ordered to be discontinued to have Right of Sepulture in Burial Grounds provided under this Act.

District in which Interment has been ordered to be discontinued, after the Time from which Interment has been ordered to be discontinued therein, shall have the same Rights of Sepulture in the Portions consecrated as aforesaid of the Burial Grounds provided under this Act as they respectively would have had in the Burial Grounds in and for their several Parishes and Places; and the Incumbent of every such Parish shall, by himself or his Curate, upon giving such Notice as may be required in this Behalf by any such Regulations as aforesaid, have the same Rights and Authorities for the Performance of Religious Service in the Burial of the Bodies of the Parishioners or Inhabitants of his Parish in the Portions consecrated as aforesaid of the Burial Grounds provided under this Act as if the same were Burial Grounds of such Parish; and the Parishioners and Inhabitants and the Incumbent of every such Parish and Place shall respectively have such Rights as aforesaid, notwithstanding the Exception from any Order for Discontinuance of Interment of any Burial Ground or Burial Grounds, or Right of Burial in any Burial Ground or Burial Grounds, in or belonging to any such Parish or Place, unless in such Order as aforesaid any Burial Ground or Burial Grounds so excepted be declared to be continued for such Parish or Place in lieu of all Rights of the Parishioners and Inhabitants to Sepulture in the Burial Grounds provided under this Act; and for the Purposes of the Enactments of the Laws relating to the Poor which concern the Burial of the Bodies of poor Persons, and of all other Enactments under which Burials are authorized or directed to take place in the Burial Ground of or belonging to a Parish or Place, the Burial Grounds provided under this Act shall be deemed to be Burial Grounds of and belonging to the several Parishes and Places within the District.

As to Interments in unconsecrated Portions of Burial Grounds.

XV. And be it enacted, That, subject to the Provisions herein contained, and the Regulations made under this Act, the Portion not consecrated as aforesaid of any Burial Ground provided under this Act shall be used for the Interment of the Bodies of Persons dying within the District, when the Relatives or other Persons having the Care and Direction of the Funerals desire to have such Bodies so interred; and such Bodies may be there interred in such Manner, and with such Religious Service, Rites, or Ceremonies, as such Relatives or Persons having the Care and Direction of the Funerals may think fit; and the said Board may, upon the Request of Members of separate Religious Denominations or Sects, and upon such Terms and Conditions, not inconsistent with the known Tenets or Usages of such Religious Denominations or Sects, as the said Board may think fit, permanently appropriate and set apart or cause to be enclosed separate Parts of the Portion not consecrated as aforesaid of any

any Burial Ground provided under this Act to be used for the exclusive Interment of the Bodies of Persons of such separate Religious Denominations or Sects.

XVI. And be it enacted, That after the Publication in the *London Gazette* of any Order of Her Majesty in Council made under this Act ordering the Discontinuance of Interment, it shall not be lawful, after the Time in such Order mentioned, to bury the Dead in any Church, Chapel, Churchyard, or Burial Place, or elsewhere, within any Part of the District in which Interment has by any such Order been ordered to be discontinued, except as in such Order excepted, and except in the Burial Grounds provided as aforesaid, and as otherwise authorized by this Act; and every Person who shall after such Time as aforesaid bury any Body, or in anywise act or assist in the Burial of any Body, in any such Church, Chapel, Churchyard, or Burial Place, or elsewhere, within any such Part as aforesaid of the District, except as in any such Order excepted, and except in any Burial Ground provided as aforesaid, or as otherwise authorized by this Act, shall be guilty of a Misdemeanor.

After Publication of Order for discontinuing Interment, no Burial to take place contrary thereto.

XVII. Provided always, and be it enacted, That where by virtue of any Faculty legally granted, or by Usage or otherwise, there is, at the Time of the passing of this Act, any Right of Interment in or under any Church or Chapel, or in any Vault of any Church, Chapel, Churchyard, or Burial Ground, and where any exclusive Right of Interment in any Cemetery or Burial Ground has been purchased or acquired before the passing of this Act, it shall be lawful for the said Board from Time to Time, on Application being made to them, and on being satisfied that the Exercise of such Right will not be injurious to Health, to grant Licence for the Exercise of such Right during such Time and subject to such Conditions and Restrictions as the said Board may think fit; but such Licence shall not prejudice or in anywise affect the Authority of the Ordinary, or of any other Person who if this Act had not been passed might have prohibited or controlled Interment under such Right, nor dispense with any Consent which would have been required, nor otherwise give to such Right any greater Force or Effect than the same would have had if this Act had not been passed.

Saving of certain Rights to bury in Vaults, &c.

XVIII. Provided also, and be it enacted, That nothing herein contained shall extend to prevent the Interment in the Cathedral Church of *Saint Paul's London*, or in the Collegiate Church of *Saint Peter's Westminster*, of the Body of any Person, where Her Majesty, by any Writing under Her Royal Sign Manual, shall signify Her Pleasure that the Body be so interred.

Saving as to St. Paul's Cathedral and Westminster Abbey.

XIX. Pro-

Order to be suspended till Compensation Money is paid.

XIX. Provided also, and be it enacted, That where any such Order of Her Majesty in Council shall affect any Cemetery mentioned in the Schedule (B.) to this Act, and not previously purchased by the said Board, the Operation of such Order as to such Cemetery shall be suspended until the Compensation in respect of the Discontinuance of Interment in such Cemetery under such Order, which may be payable under this Act to the Company to which such Cemetery belongs, has been paid; and upon Payment of such Compensation such Cemetery shall vest in the said Board, subject to the Rights subsisting therein, so far as such Rights are not inconsistent with such Order as aforesaid or with the Provisions of this Act.

Power to remove Bodies to Burial Grounds provided under this Act.

XX. And be it enacted, That it shall be lawful for the Relatives of any deceased Person, with the Consent of the Incumbent or other Person having the Care or Control of any Church, Chapel, Churchyard, Cemetery, or other Place within the District in which the Body of such deceased Person has been interred, and with the Consent of and subject to the Regulations of the said Board, and upon Payment of such Fees as may be fixed by the said Board, to cause such Body to be removed to and interred in any Burial Ground provided under this Act, without any Faculty for that Purpose.

Fees to be paid upon Interments.

XXI. And be it enacted, That there shall be paid upon all Interments in the Burial Grounds provided under this Act such Fees or Sums as the said Board shall from Time to Time fix in this Behalf, with the Approbation of One of Her Majesty's Principal Secretaries of State, and such Fees or Sums shall be paid to the Wardens of such Grounds, or such other Officers of the said Board as may be by them authorized to receive the same; and a Table of such Fees or Sums shall be printed and published, and shall be fixed and continued on some conspicuous Part of every such Burial Ground.

Management of Burial Grounds to be vested in the Board.

XXII. And be it enacted, That the said Board shall provide for the Maintenance, Planting, Decoration, and Care of the Burial Grounds provided under this Act, and shall have the Direction of the Order and Course in which such Grounds and the several Parts thereof shall be opened and used for the Purposes of Interment, and the Times at which Interments in such Burial Grounds may take place; and, subject to the Provisions of this Act, the general Management and Control of such Burial Grounds shall be vested in and exercised by the said Board.

Board may make Regulations as to Burial

XXIII. And be it enacted, That the said Board may make Regulations from Time to Time as to the Depth and Formation of Graves and Places of Interment, the Nature of the Coffins to be received in

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the Burial Grounds provided under this Act, the Time and Mode of removing Bodies, the Notice to be given in respect of Funerals, and generally as to all Matters connected with the good Order of such Burial Grounds, and the convenient Exercise of the Rights of Interment therein; and such Regulations shall be printed and published, and shall be fixed and continued on some conspicuous Part of every such Burial Ground.

Grounds and Interments therein.

XXIV. Provided always, and be it enacted, That the said Board shall not permit any Body to be buried in any Burial Ground provided under this Act, and not previously used as a Cemetery, within Two hundred Yards of the nearest Place on which any Dwelling is erected, except only any Dwelling or Dwellings of such Officer or Officers of the said Board as they may require to be resident on the Spot for the Care of any such Burial Ground; and no Body shall be buried under any Chapel in any such Burial Ground, nor within Ten Feet of the outer Wall of such Chapel.

Board not to permit Burials within 200 Yards of any Dwelling, or under or close to Chapels.

XXV. And be it enacted, That all Burials within any Burial Ground provided under this Act, as well in the Part not consecrated as aforesaid as in the Part so consecrated, shall be registered in Register Books to be provided by the said Board and kept for that Purpose, according to the Laws in force by which Registers are required to be kept by the Rectors, Vicars, or Curates of Parishes or Ecclesiastical Districts in *England*, by the Warden of such Burial Ground or other Officer appointed by the said Board to that Duty, in which Register Books shall be distinguished in what Parts of the Burial Ground, and whether in the Portion consecrated as aforesaid or the Portion not so consecrated of such Ground, the several Bodies the Burials of which are entered in such Register Books are buried; and such Register Books shall be kept or indexed so as to facilitate Searches for Entries in such Books in respect of Bodies brought from the several Parishes and Places within the District; and such Register Books, or Copies or Extracts therefrom, shall be received in all Courts as Evidence of the Burials entered therein; and Copies or Transcripts of such Register Books, signed by such Warden or other Officer as aforesaid, shall be from Time to Time sent to the Registrar of the Ecclesiastical Court of the Bishop of *London*, to be kept with the Copies of the other Register Books of the Parishes within his Diocese; and the said Register Books, so far as respects Searches to be made therein and Copies and Extracts to be taken therefrom, shall be subject to the same Regulations as are provided by an Act passed in the Seventh Year of King *William* the Fourth, intituled *An Act for registering Births, Deaths, and Marriages in* England,

Register of Burials to be kept, and to be Evidence, and subject to the Regulations of 6 & 7 W. 4. c. 86. as to Searches.

so far as such Regulations relate to Register Books of Burials kept by any Rector, Vicar, or Curate.

Certificate of Registry of Death, or Coroner's Certificate, to be delivered to Officer appointed to keep Burial Registers.

XXVI. And be it enacted, That where the Body of any Person is buried in any Burial Ground provided under this Act, the Certificate of the Death of such Person having been duly registered, or the Coroner's Certificate of his Order for the Burial of the Body of such Person, (as the Case may be,) by the said Act of the Seventh Year of King *William* the Fourth required to be delivered to such Minister or officiating Person as therein mentioned, shall be delivered to the Warden or other Officer appointed to keep the Register Books of Burials in such Burial Ground; and if any Body is buried in such Burial Ground for which no such Certificate has been delivered to such Warden or other Officer as aforesaid, such Warden or Officer shall, within Seven Days next after the Burial of such Body, give Notice of such Burial to the Registrar of the District in which the Person whose Body was so buried died; and every such Notice shall contain the Name and Surname, Sex, Age, Rank, Profession or Occupation, and the Residence at the Time of Death of the said Person, or as many of such Particulars as may be known to such Warden or other Officer; and such Warden or other Officer, upon Failure to give such Notice within the Time aforesaid, shall be subject to the Forfeiture imposed by the said Act on a Person burying or performing any Funeral or any religious Service for the Burial of any dead Body for which no such Certificate has been duly made and delivered, and not giving Notice thereof as thereby required, and the Provisions of the said Act for and with respect to the Recovery and Application of Forfeitures thereby imposed shall be applicable to such Forfeiture; and no Person, save such Warden or Officer as aforesaid, shall in the Case of any Burial in any such Burial Ground be subject to such Forfeiture for not giving Notice of such Burial to the Registrar.

Board may provide Houses for Reception and Care of Bodies previously to Interment.

XXVII. And be it enacted, That the said Board may, at any Time after the passing of this Act, build or otherwise provide, in such Places as they think fit, Houses for the Reception and Care of the Bodies of the Dead previously to and until Interment, and make Arrangements for the Reception and Care of such Bodies therein, and appoint fit Officers for such Houses of Reception; and to carry into effect such Arrangements, and for providing such Houses of Reception, the said Board may purchase by Agreement or take on Lease such Lands or Buildings as they may think fit.

Board may make Provision for

XXVIII. And be it enacted, That for securing, in the Cases of Interments in the Burial Grounds provided under this Act, to Persons

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having the Care and Conduct of the Funerals, the Means of having the same conducted according to a just and regulated Scale of Charges, the said Board may from Time to Time invite and receive Tenders for Contracts for the undertaking of such Funerals according to Classes arranged with reference to the Nature and Amount of the Matters and Services to be furnished and rendered, but so that in respect of the lowest of such Classes the Funeral may be conducted with Decency and Solemnity; and every such Tender shall specify the Parish or Place or several Parishes or Places from which the Person proposing to become a Contractor is willing to remove Bodies, and the Class or Classes and Number of Funerals he is willing to undertake; and the said Board may enter into such Contracts with any Persons as they may think necessary (each of which Contracts may extend to One Parish or Place or Part of a Parish or Place within the District, or include more than One such Parish or Place), binding such Contractors with the said Board to undertake during specified Terms or Periods Funerals of Persons dying within the Limits in such Contracts respectively mentioned, or any Class or Number of such Funerals, according to a fixed Scale of Payments, and with such Stipulations as may appear to the said Board necessary for insuring the decent Performance of such Funerals; and the said Board may, if they so think fit, enter into distinct Contracts for the furnishing and rendering by different Contractors of the various Matters and Services requisite for the Funerals in relation to which the said Board are herein-before authorized to enter into Contracts, and the said Board shall publish Notices of the Scale of Payments to be made for Funerals undertaken, or Matters or Services to be furnished or rendered, by such Contractors, and such other Notices as the said Board may think fit, for the Information and Convenience of Persons desirous of having Funerals conducted by such Contractors; and upon Notice by or on behalf of the Persons having the Care and Direction of any such Funeral of their Desire to have the same conducted, or any Matters or Services requisite for the same furnished or rendered, as aforesaid, and of the Class according to which they are desirous the same should be so conducted, furnished, or rendered, being given to any Contractor who, according to the Terms of his Contract with the said Board, may be liable to undertake such Funeral, or to furnish or render such Matters or Services, such Contractor and the Party by or on behalf of whom such Notice may be given shall respectively have the like Rights and be subject to the like Liabilities in respect to the Performance of such Funeral, or the furnishing or rendering of such Matters or Services (as the Case may be), and the Payment for the same, as if such Contractor had agreed with such Party to undertake the Funeral referred to in such Notice, and to furnish and render all such Matters and Services, and of such

Funerals being conducted at fixed Charges

such Nature and Description, as by the Scale fixed by his Contract with the said Board shall be prescribed in this Behalf in respect of the Class mentioned or referred to in such Notice, or (as the Case may be) to furnish or render the Matters or Services required by such Notice according to such Scale, in consideration of Payment according to such Scale.

Board of Health may enter into Contracts with Railway Companies for carrying out Bodies, together with Mourners, &c.

XXIX. And be it enacted, That it shall be lawful for the Board of Health and the Directors of any Railway Company, if they shall see fit, to contract for the carrying out of Bodies in properly constructed Carriages on the Line of Railway of such Company to any Burial Ground provided under this Act, and for the carrying to and from such Burial Ground of the Mourners and Attendants of the Bodies so carried, at such Prices and Charges, and for such Term of Years, as may be agreed, and every Contract so entered into by the Directors of any Railway Company shall be binding on such Company and on all future Directors thereof, anything to the contrary in any Act or special Act of such Company notwithstanding, and during the Term of such Contract such Railway Company shall carry as aforesaid any of the Bodies to be removed to the Burial Grounds provided under this Act, and the Mourners and Attendants (where the Persons having the Direction of the Funerals desire to have them so carried), at the Rate of Charge specified in such Contract: Provided always, that the Charges agreed and contracted for with the said Board shall not prejudice such Railway Company as to their Charges for carrying any Bodies other than the Bodies to be removed to the Burial Grounds provided under this Act, or as to their Charges for the general Business of carrying ordinary Passengers or Things, anything in any Act or special Act to the contrary notwithstanding.

Board may provide for Removal, on Request of Relatives, of Bodies to Houses of Reception.

XXX. And be it enacted, That the said Board may at any Time after the passing of this Act appoint medical or other Officers, who in the Case of Deaths within the District may, where the Persons having the Direction of the Funeral of the Deceased so desire, cause the Body of the Deceased to be decently removed to One of the Houses for the Reception of the Dead provided under this Act.

Additional Member and Officers of Board to be paid such Salaries as Treasury may appoint.

XXXI. And be it enacted, That there shall be paid to the Member appointed under this Act of the said Board the annual Sum hereinafter mentioned in that Behalf, and to the Assistant Secretary, Treasurer, and Clerks, Chaplains, Wardens, and other Officers and Servants appointed for the Purposes of this Act by the said Board, such Salaries, Stipends, and Wages as shall be from Time to Time appointed by the Commissioners of Her Majesty's Treasury.

XXXII. And

XXXII. And be it enacted, That to compensate Incumbents for Loss of Fees the said Board shall, in respect of the Burial within the consecrated Part of any Burial Ground provided under this Act of any Body removed from any Parish within the District (save where such Body is buried at the Expense of any Union or Parish), pay to a separate Account to be kept by the Treasurer of the said Board, to be called "The Burial Service and Incumbents Compensation Fund," the Sum of Six Shillings and Two-pence, and where such Body is buried at the Expense of any Union or Parish a Sum not exceeding One Shilling, and the Board shall, out of the Monies paid to the said Account, pay the Salaries of all the Chaplains of the said Board, and shall apply the Residue of such Monies, so far as the same will extend, in Payment to the Incumbent of every Parish within the District in which Interment is discontinued under this Act an Annuity during his Incumbency, of such an Amount as the Board, with the Approbation of the Commissioners of Her Majesty's Treasury, shall fix as a just Compensation for the Loss of Receipts in respect of Burials, to be calculated on the Average of the Receipts in respect of Burials by the Incumbents of such Parish during the Five Years next before the passing of this Act; and no Incumbent shall be entitled, under any Act of Parliament or otherwise, to any Payment, save as herein provided, in respect of any Interment under this Act in any Cemetery purchased by the said Board, or in respect of the Removal of any Body previously interred to any Burial Ground provided under this Act: Provided always, that it shall be lawful for the Commissioners of Her Majesty's Treasury from Time to Time, upon any Vacancy in the Incumbency of any such Parish, to reduce the Amount of the Annuity to be thenceforth payable as aforesaid to the Incumbent of such Parish, in case it appear to them, having regard to the Duties of such Incumbent, and the Value of the Living, independently of any Annuity under this Act, just and expedient so to do; and the Surplus, if any, from Time to Time of the Monies paid to the said Account, after satisfying all the Purposes aforesaid, may, with the Approbation of One of Her Majesty's Principal Secretaries of State and of the Bishop of the Diocese, be applied by the said Board in augmentation of the Incomes of the Incumbents or Ministers of any new Parishes, District Parishes, or District Chapelries formed within the several Parishes from which such Surplus may have arisen, and as near as may be according to the Proportions in which such several Parishes may have contributed to such Surplus: Provided always, that no Income shall be augmented under this Provision so as to exceed Three hundred Pounds a Year.

Compensation to Incumbents.

XXXIII. And be it enacted, That for compensating Clerks and Sextons for the Loss of Fees and Sums now received in respect of Interments

Compensation to Clerks and Sextons.

Interments the said Board shall ascertain the yearly Average during the Five Years ending on the Day of the passing of this Act, in pursuance of any Order under this Act, of the Fees and Sums received by the Clerk and Sexton of such Parish in respect of Interments in the Church and Burial Ground of such Parish, and (under any Act of Parliament or otherwise) of Interments in any Cemetery of Bodies removed from such Parish; and the said Board shall, with the Approbation of the Commissioners of Her Majesty's Treasury, pay to any Person who is at the Time of the passing of this Act, and on the Day from which Interment is discontinued as aforesaid continues to be, Clerk or Sexton of such Parish, and so long only as he continues to be such Clerk or Sexton, an Annuity of such Amount as may appear to the said Board to be a just Compensation for such average Receipts as aforesaid of the Clerk or Sexton respectively of such Parish, having regard to the Duties, and Payment (if any) in respect of Duties, from which such Clerk or Sexton respectively is relieved by the Discontinuance of Interment; and all Fees or Payments accruing under any Act of Parliament or otherwise to the Clerk or Sexton of any Parish, after the Time from which Interment is under this Act ordered to be discontinued therein in respect of Interments in any Cemetery of Bodies removed from such Parish, shall be paid over by such Clerk or Sexton to the said Board, to be by them applied as other Monies received by them under this Act; and after the Purchase of any Cemetery by the said Board all such Fees and Payments in respect of Interments therein shall cease to be payable: Provided always, that where the said Board provide Employment under this Act for any Sexton who would be entitled to any such Annuity as aforesaid, such Sexton shall not, in case the annual Amount of the Emoluments arising from such Employment be equal to or exceed the Amount of such Annuity, be entitled to receive any Payment in respect of such Annuity for the Time during which he continues in such Employment and in the Receipt of such Emoluments, or in case the annual Amount of such Emoluments be less than the Amount of such Annuity, then such Sexton shall be entitled to receive (for the Time he continues in such Employment and in Receipt of such Emoluments) in respect of such Annuity the Difference only between the annual Amount of such Emoluments and such Annuity.

Compensation to be made for Fees payable for Parochial Purposes.

XXXIV. And be it enacted, That where Fees or any Portion of Fees payable on Interments in any Burial Ground or Place of Burial in which Interments may be discontinued under the Provisions of this Act are by Law payable to the Churchwardens or Vestrymen of any Parish or Trustees or other Persons for or towards any Parochial Purpose, or the Discharge of any Debt or Liability, the Commis-

sioners of Her Majesty's Treasury shall direct Payment to be made by the said Board to such Churchwardens, Vestrymen, Trustees, or other Persons after Discontinuance of Interment in such Burial Ground or Place of Burial, under the Provisions of this Act, as Compensation for the Loss of such Fees or Portion of Fees, of an Annuity of such Amount and to be payable during such Term as may appear to the Commissioners of Her Majesty's Treasury just, having regard to the Sums received in respect of such Fees or Portion of Fees and of any Expenses from which such Parish may be relieved by the Discontinuance of Interments under this Act, and to the Purposes to which such Fees or Portion of Fees were or was legally applicable, such Loss to be calculated on the Average of the Sums so received, and of such Expenses as aforesaid, during the Five Years next before the passing of this Act.

Debts incurred by Parishes for Purchase of Burial Grounds to be discharged by Board where the Parishes are not entitled to be compensated by Annuity.

XXXV. And be it enacted, That where any Burial Ground or Land for a Burial Ground for any Parish has been purchased by any Persons by Law authorized in that Behalf, and any Debt incurred by or on behalf of such Parish in respect of the Purchase Money of such Ground or Land, or of any Money borrowed for Payment thereof, or any Annuities or Annuity granted in respect of any such Purchase Money, shall at the Time of the Discontinuance under this Act of Interment in such Burial Ground remain owing from or charged upon such Parish, or upon any Property thereof or Rates to be raised therein, and no Annuity shall be payable under the Provision herein-before contained to the Churchwardens or other Persons on behalf of such Parish as Compensation for the Loss of any Fees or Portion of Fees on Interments in such Burial Ground, such Parish and such Property and Rates respectively shall be indemnified by the said Board against such Debt, and all Interest to accrue thereon after the Time of such Discontinuance of Interment, and all Sums to accrue payable after such Discontinuance in respect of such Annuities or Annuity.

Compensation in respect of non-parochial Burial Grounds.

XXXVI. And be it enacted, That where any Order for the Discontinuance of Interment as aforesaid shall affect any Burial Ground other than the Burial Ground of any Parish, Compensation shall be made by the said Board to all Persons interested in such Burial Ground for the Loss or Damage which may be sustained by them by reason of the Discontinuance of such Interments as might lawfully have been made in such Ground in case Interment therein had not been discontinued under this Act, provided such Persons shall within Three Calendar Months after the Time from which Interment is, under such Order as aforesaid, to be discontinued in such Ground, state in Writing to the said Board the Particulars of their Claim for such Loss or Damage; and the Expense which may be occasioned to

any

any Body or Sect by the Necessity of making other Provision for such Interments as might lawfully have been made in such Ground shall be deemed Loss or Damage within this Enactment, and may be claimed by the Trustee or Trustees, or a Majority of the Trustees, of such Ground, though no Profit or Income would have been derived from such Interments.

Power to compensate individual Rights in closed Burial Places by the Grant of equivalent Rights in the new Grounds.

XXXVII. And be it enacted, That where any Vault or Right of Interment in any Place of Burial in which Interment is discontinued under this Act has been acquired before the First Day of *May* One thousand eight hundred and fifty, and is at the Time of such Discontinuance of Interment vested in any Person as private Property, the said Board may and shall, on Application being made to them within Six Calendar Months from the Time from which Interment is so discontinued, grant such Vault or Right of Interment in any Burial Ground provided under this Act as may be a just Equivalent for such first-mentioned Vault or Right.

Fee may, at the Request of Relatives, be paid to Minister performing Service on Interments in unconsecrated Ground.

XXXVIII. And be it enacted, That it shall be lawful for the said Board, on the Request of the Relatives or other Persons having the Care and Direction of the Funeral, to pay to the Minister or Person performing Religious Rites or Service on the Interment of any Body in the unconsecrated Portion of any Burial Ground provided under this Act (save where such Body is buried at the Expense of any Union or Parish) such Fee not exceeding Six Shillings and Two-pence, and when such Body is buried at the Expense of any Union or Parish such Fee not exceeding One Shilling, as the said Board may think fit.

Money received by Officers to be paid into the Bank.

XXXIX. And be it enacted, That all Fees and Sums which shall be received under this Act by the Wardens or other Officers or Servants of the said Board on account of the said Board shall be by such Wardens or Officers receiving the same forthwith paid to the Treasurer of the said Board, and by such Treasurer forthwith paid into the Bank of *England*, to the Credit of an Account to be intituled "The Account of the General Board of Health under the Metropolitan Interments Act, 1850."

Treasurer and others intrusted with Money to give Security for duly accounting for the same.

XL. And be it enacted, That before the Treasurer or any Officer or Servant appointed under this Act shall enter upon any Office or Employment under the Board by reason whereof he will or may be intrusted with the Custody or Control of Money, the said Board shall require and take from him such Security for the faithful Execution of such Office or Employment, and for duly accounting for all Monies which may be intrusted to him by reason thereof, as they may think sufficient.

XLI. And

XLI. And be it enacted, That the Money to be paid into the Bank of *England* under this Act shall be paid out upon Drafts or Orders signed by the Treasurer, and countersigned by Two or more Members of the said Board.

As to Payments out of the Bank.

XLII. And be it enacted, That the Expenses of providing Burial Grounds, and the Salaries and Wages of the Member to be appointed under this Act of the said Board, and of all Officers and Servants of the said Board appointed under this Act, the Stipends of the Chaplains under this Act, and all other Expenses of the said Board under this Act, inclusive of the Compensations to be paid by them thereunder, shall be defrayed out of the Fees and Sums to be received by them under this Act, and in case such Fees or Sums be at any Time insufficient to defray all such Expenses, out of any Rate or Rates to be made under this Act.

Expenses under this Act to be defrayed out of Monies received thereunder.

XLIII. And be it enacted, That the Salary of the additional Member of such Board to be appointed and fixed as aforesaid shall not exceed the annual Sum of Twelve hundred Pounds, and shall be defrayed out of the Fees and Sums received by the said Board under this Act.

Salary of additional Member of Board of Health.

XLIV. Provided always, and be it enacted, That it shall be lawful for the said Board, for the Purposes of defraying any Expenses incurred or to be incurred by them in the Execution of this Act, and with the Approbation of the Commissioners of Her Majesty's Treasury, to borrow and take up at Interest any Sums of Money necessary for defraying any such Expenses; and for the Purpose of securing the Repayment of any Sums so borrowed, together with such Interest as aforesaid, the said Board may mortgage and assign over to the Persons by or on behalf of whom such Sums are advanced all or any of the Fees and Payments to be received under this Act, and also the Rates to be made and collected under this Act; and the respective Mortgagees shall be entitled to a Proportion of the Fees, Payments, and Rates comprised in their respective Mortgages according to the Sums in such Mortgages mentioned to have been advanced; and each Mortgagee shall be entitled to be repaid the Sum so advanced, with Interest, without any Preference over any other Mortgagee or Mortgagees by reason of any Priority of Advance or the Date of his Mortgage.

Fees, Payments, and Rates may be mortgaged.

No Priority amongst Mortgagees.

XLV. And be it enacted, That it shall be lawful for the Commissioners acting in the Execution of an Act passed in the Second Session of the Fifth Year of Her Majesty's Reign, intituled *An Act to authorize the Advance of Money out of the Consolidated Fund to*

Commissioners of Public Works acting under 5 & 6 Vict. c. 9. may make Ad-

vances to the Board.

to a limited Amount, for carrying on Public Works and Fisheries and Employment of the Poor, and to amend the Acts authorizing the Issue of Exchequer Bills for the like Purposes, and in the Execution of any of the Acts recited in that Act, or of any Act or Acts for amending or continuing the same Acts or any of them, to make Advances to the said Board, upon the Security of all or any of the Fees, Payments, and Rates to be received or made and collected by the said Board under this Act, and without requiring any further or other Security than a Mortgage of such Fees, Payments, and Rates.

Money may be borrowed at lower Rates of Interest to pay off Securities bearing a higher Rate.

XLVI. And be it enacted, That if the said Board can at any Time borrow at a lower Rate of Interest than that secured by any Mortgage previously made by them, and then outstanding and in force, it shall be lawful for them, with the Approbation of the Commissioners of Her Majesty's Treasury, so to borrow accordingly, in order to pay off and discharge any of the Securities bearing a higher Rate of Interest, and to charge the Fees, Payments, and Rates which they are authorized to mortgage under this Act with Payment of the Sum so borrowed, together with the Interest thereon, in such Manner and subject to such Provisions as are herein contained with respect to other Monies borrowed upon Mortgage.

Power to borrow Money to pay off former Mortgages.

XLVII. And be it enacted, That if at the Time appointed in any Mortgage Deed for Payment of any Principal Money secured thereby the said Board are unable to pay off the same, it shall be lawful for them, with the Approbation of the Commissioners of Her Majesty's Treasury, to borrow such Sum of Money as may be necessary for the Purpose of paying off the whole or any Part of the said Principal Money, and to secure the Repayment of the Money so borrowed, and the Interest to be paid thereon, in the same Manner in all respects as in the Case of Money borrowed for defraying Expenses incurred by the said Board in the Execution of this Act.

Form of Mortgage.

XLVIII. And be it enacted, That every Mortgage authorized to be made under this Act shall be by Deed duly stamped, truly stating the Date, Consideration, and the Time of Payment, and shall be sealed with the Seal of the said Board, and may be made according to the Form contained in the Schedule (C.) to this Act annexed, or to the like Effect, or with such Variations or Additions in each Case as the said Board and the Party advancing the Money intended to be thereby secured may agree upon; and there shall be kept at the principal Office of the said Board a Register of the Mortgages under this Act; and within Fourteen Days after the Date of any Mortgage an Entry shall be made in the proper Register of the Number and Date thereof, and of the Names and Descriptions of the

Register of Mortgages.

the Parties thereto, as stated in the Deed; and every such Register shall be open to public Inspection during Office Hours at the said Office, without Fee or Reward; and any Clerk or other Person having the Custody of the same, refusing to allow such Inspection, shall for every such Offence, on summary Conviction thereof before Two Justices of the Peace, be liable to a Penalty not exceeding Five Pounds.

Repayment of Money borrowed at a Time agreed upon.

XLIX. And be it enacted, That the said Board may, if they think proper, fix a Time or Times for the Repayment of all or any Principal Monies borrowed under this Act, and the Payment of the Interest thereof respectively, and may provide for the Repayment of such Monies, with Interest, by Instalments or otherwise, as they may think fit; and in case the said Board fix the Time or Times of Repayment, they shall cause such Time or Times to be inserted in the Mortgage Deed; and at the Time or Times so fixed for Payment thereof, such Principal Monies and Interest respectively shall, on Demand, be paid to the Party entitled to receive the same accordingly; and if no other Place of Payment be inserted in the Mortgage Deed, the Principal and Interest shall be payable at the principal Office of the said Board.

Interest on Mortgages to be paid half-yearly.

Repayment of Money borrowed when no Time or Place has been agreed upon.

L. And be it enacted, That, unless otherwise provided by any Mortgage, the Interest of the Money borrowed thereupon shall be paid half-yearly; and if no Time be fixed in the Mortgage Deed for the Repayment of the Money so borrowed, the Party entitled to receive such Money may, at the Expiration or at any Time after the Expiration of Twelve Months from the Date of such Deed, demand Payment of the Principal Money thereby secured, with all Arrears of Interest, upon giving to the said Board Six Calendar Months previous Notice for that Purpose; and in the like Case the said Board may at any Time pay off the Money borrowed, on giving the like Notice to the Party entitled as aforesaid, or by Advertisement in the "*London Gazette*;" and if the said Board have given Notice of their Intention to pay off any such Mortgage at a Time when the same may lawfully be paid off by them, then, at the Expiration of such Notice, all further Interest shall cease to be payable thereon, unless, on Demand of Payment made pursuant to such Notice, or at any Time thereafter, the said Board fail to pay the Principal and Interest due at the Expiration of such Notice on such Mortgage.

Interest to cease on Expiration of Notice to pay off a Mortgage Debt.

Account Books to be open to Mortgagees.

LI. And be it enacted, That the Books of Account of the said Board shall be open at all seasonable Times to the Inspection of the Mortgagees or Transferees of Mortgagees under this Act, with Liberty to make Extracts therefrom, without Fee or Reward; and any Clerk or other Person having the Custody of such Books, and refusing

refusing to allow such Inspection or such Extracts to be made, shall for every such Offence, on summary Conviction thereof before Two Justices of the Peace, be liable to a Penalty not exceeding Five Pounds.

Transfer of Mortgages.

LII. And be it enacted, That any Mortgagee or other Person entitled to any Mortgage under this Act may transfer his Estate and Interest therein to any other Person by Deed duly stamped, truly stating its Date, the Names and Descriptions of the Parties thereto, and the Consideration for the Transfer; and such Transfer may be according to the Form contained in the Schedule (D.) to this Act annexed, or to the like Effect; and there shall be kept at the principal Office of the said Board a Register of the Transfers of Mortgages under this Act; and within Thirty Days after the Date of such Deed of Transfer, if executed within the United Kingdom, or within Thirty Days after its Arrival in the United Kingdom if executed elsewhere, the same shall be produced to the Clerk or other Person having the Custody of such Register, who shall, upon Payment of the Sum of Two Shillings, cause an Entry to be made in such Register of its Date, and of the Names and Description of the Parties thereto, as stated in the Transfer; and upon any Transfer being so registered the Transferee, his Executors, Administrators, or Assigns, shall be entitled to the full Benefit of the original Mortgage, and the Principal and Interest secured thereby; and every such Transferee may in like Manner transfer his Estate and Interest in any such Mortgage; and no Person, except the Person to whom the same shall have been last transferred, his Executors, Administrators, or Assigns, shall be entitled to release or discharge any such Mortgage, or any Money secured thereby.

Register of Transfers.

Board may form a sinking Fund for Discharge of Mortgages.

LIII. And be it enacted, That in order to provide a Fund for the Discharge of any Money which has been borrowed under the Powers of this Act it shall be lawful for the said Board from Time to Time to cause any Money received by them under this Act, and which for the Time being shall not be required for any other Purposes of this Act, to be invested in the Purchase of Exchequer Bills, or Government Stocks, Funds, or Securities, and from Time to Time to cause to be invested in like Manner the Interest and Dividends thereof, so as to accumulate the same at Compound Interest, until the same can be applied for the Discharge of such Money borrowed, or for any other Purposes of this Act.

After Discontinuance of Interment, in case of

LIV. And be it enacted, That after Interment has been ordered to be discontinued within the District or any Part thereof, in case it appear to the said Board that the Fees and Sums received

by them under this Act will be insufficient in any Year to defray their Expenses, and to provide for the Payments in respect of Monies borrowed under this Act, it shall be lawful for the said Board, with the Approbation of the Commissioners of Her Majesty's Treasury and One of Her Majesty's Principal Secretaries of State, to issue a Warrant under their Seal to the Overseers of the Poor of every Parish, Township, Precinct, or Place within the District (where Interment has been ordered to be discontinued in the whole District), or the Part thereof within which Interment has been ordered to be discontinued, by which Warrant they shall command the said Overseers, out of the Money collected for the Relief of the Poor in such Parish, Township, Precinct, or Place, to pay the Amount mentioned in the Warrant for the Purposes of this Act, or to levy such Amount as a Part of the Rate for the Relief of the Poor in such Parish, Township, Precinct, or Place, and that the Overseers shall pay over the Amount mentioned in the Warrant to the Treasurer of the said Board, within Forty Days from the Delivery of such Warrant to any One of the Overseers: Provided always, that the Sum to be so paid for the Purposes of this Act shall not exceed in the whole in any One Year the Rate of One Penny in the Pound on the full and fair annual Value of all Property rateable for the Relief of the Poor within such Parish, Township, Precinct, or Place, such full and fair annual Value to be computed according to the last Valuation for the Time being acted upon in assessing the County Rate, where any County Rate is assessed on such Parish, Township, Precinct, or Place; and the Warrant shall specify the Rate in the Pound at which the Sum mentioned therein shall be computed: Provided also, that the said Board may issue such Warrant as aforesaid to the Overseers of any Parish, Township, Precinct, or Place, notwithstanding the Exception from any Order for Discontinuance of Interment of any Burial Ground or Burial Grounds, or Right of Burial in any Burial Ground or Burial Grounds, in or belonging to any such Parish, Township, Precinct, or Place, unless in such Order as aforesaid any Burial Ground or Burial Grounds so excepted be declared to be continued for such Parish, Township, Precinct, or Place, in lieu of all Rights of the Parishioners and Inhabitants to Sepulture in the Burial Grounds provided under this Act.

Deficiency of other Payments, Board may order Overseers to levy a Rate.

Not to exceed 1*d.* in the Pound in any One Year, according to the Valuation for County Rate.

LV. And be it enacted, That where any Persons other than the Overseers of the Poor, by virtue of any Office or Appointment, are authorized and required to make and collect or cause to be collected the Rate for the Relief of the Poor in any Parish, Township, Precinct, or Place within the Metropolitan Burial District, such Persons, by whatsoever Title they may be called, shall be deemed to be Overseers of the Poor within the Meaning of this Act, and

Who to be deemed Overseers within this Act.

to be included under and denoted by the Words "Overseers of the Poor," for all the Purposes of this Act, as fully as if they were commonly called or known by the Title of Overseers of the Poor.

Overseers shall collect the Burial Rate in the same Manner as the Poor Rate.

LVI. And be it enacted, That the Overseers of the Poor of every Parish, Township, Precinct, or Place within the Metropolitan Burial District, to whom any such Warrant as aforesaid shall be issued, shall pay the Amount mentioned in the Warrant out of any Money in their Hands collected for the Relief of the Poor; and if there be no such Money in their Hands, or an insufficient Sum, they shall levy the Amount required as a Part of the Rate for the Relief of the Poor, and shall for that Purpose proceed in the same Manner, and have the same Powers, Remedies, and Privileges, as for levying Money for the Relief of the Poor; and such Overseers shall pay to the said Treasurer the Amount mentioned in the Warrant within the Time specified for that Purpose, and at the Time of making any Payment to the said Treasurer shall deliver to him a Note in Writing signed by them, specifying the Amount so paid, which Note shall be kept by the said Treasurer as a Voucher for his Receipt of that particular Amount; and the Receipt of the said Treasurer, specifying the Amount paid to him by the Overseers, shall be a sufficient Discharge to the Overseers for such Amount, and shall be allowed as such in passing their Accounts with their respective Parishes, Townships, Precincts, or Places.

Receipt of the Treasurer shall be a sufficient Discharge.

Overseers, on Nonpayment of the Rate, shall be distrained upon;

LVII. And be it enacted, That in case the Amount ordered by such Warrant as aforesaid to be paid by the Overseers in any Parish, Township, Precinct, or Place in the Metropolitan Burial District shall not be paid to the said Treasurer within the Time specified for that Purpose in the Warrant, it shall be lawful for any Justice of the Peace, upon Complaint by the said Treasurer, to issue his Warrant for levying the Amount, or so much thereof as may be in arrear, by Distress and Sale of the Goods of all or any of the said Overseers; and in case the Goods of all the Overseers shall not be sufficient to pay the same, the Arrears thereof shall be added to the Amount of the next Levy which shall be directed to be made in such Parish, Township, Precinct, or Place for the Purposes of this Act, and shall be collected by the like Methods.

and in default of sufficient Distress, the Arrears may be re-levied on the Parish.

Power to Board, &c. to inspect County Rates, &c.

LVIII. And be it enacted, That any Member of the said Board, or any Person having an Order for that Purpose under the Hands of Two Members of the said Board, may inspect any County Rate made or to be made for any County any Part of which shall be situate within the Metropolitan Burial District, and may also inspect any Returns concerning all or any of the Parishes, Townships, Precincts, and

and Places, whether parochial or extra-parochial, in the said District, delivered or to be delivered in pursuance of any of the Acts relating to County Rates, and may take Copies or Extracts from any such Rates or Returns without Payment of any Fee or Reward; and if any Person having the Custody of any such Rate or Return shall wilfully neglect or refuse to permit any such Member or other Person to inspect the same, or to take Copies or Extracts from the same, within Two Days after such Order shall have been produced and shown to him, or a Copy thereof left at his usual Place of Abode, he shall for every such Offence, on summary Conviction thereof before Two Justices of the Peace, be liable to a Penalty not exceeding Ten Pounds.

Provision for assessing and levying Rate in those Places within the District where there is no Poor Rate.

LIX. And whereas it is expedient to provide for those Precincts and Places in the Metropolitan Burial District in which no Rate is made for the Relief of the Poor, or in which Property may be deemed not to be rateable thereto: Be it therefore enacted, That the respective Inhabitants and Occupiers of all Messuages, Lands, Tenements, and Hereditaments in any Precinct or Place, whether parochial or extra-parochial, in the Metropolitan Burial District, although such Messuages, Lands, Tenements, and Hereditaments may not be rated to the Relief of the Poor, or may be deemed not to be rateable thereto, shall nevertheless be liable to contribute under this Act as if the Property so inhabited or occupied were rateable and rated to the Relief of the Poor; and the said Board may from Time to Time, by Warrant under their Seal, appoint a proper Person to be an Assessor, for the Purpose of assessing the full and fair annual Value of such Property, and rating the same to a Rate to be levied under this Act: Provided always, that the Sum to be so levied shall not exceed in the whole in any One Year the Rate of One Penny in the Pound on the full and fair annual Value of such Property; and such Assessor shall, within Forty Days after the Delivery to him of the Warrant of his Appointment, make, sign, and return to the said Board an Assessment for the Precinct or Place named in such Warrant; and the Assessment shall be fairly written in a Book, and shall specify, in different Columns, the Names of the respective Inhabitants or Occupiers of all Messuages, Lands, Tenements, and Hereditaments, the full and fair annual Value of the same, and the Amount of Rate charged on the Inhabitants or Occupiers thereof, and, when the Premises shall be unoccupied, the full and fair annual Value thereof to let; and every such Assessor shall be allowed for his Trouble and Expenses such Remuneration as the said Board, with the Approbation of the Commissioners of Her Majesty's Treasury, shall direct, and the same shall be paid out of the Amount of the Rate which shall be collected after such Assessment.

Mode of making the Assessment.

Allowance to Assessors.

LX. And

When Assessment is made, Notice thereof shall be given, and all Persons included in the Assessment shall have Liberty to inspect it, &c.

LX. And be it enacted, That when such Assessment shall have been allowed by the said Board, public Notice of such Assessment, and of the Place where the same may be inspected, shall be given by fixing such Notice on the Door of the Church or Chapel or some other conspicuous Part of the Precinct or Place to which such Assessment shall relate, upon the *Sunday* next or next but one after the same shall have been so allowed; and any Person in whose Custody such Assessment may be shall permit every Inhabitant or Occupier of Property included in such Assessment to inspect the same, and to make any Extracts therefrom, without Payment of any Fee or Reward; and if such Person shall wilfully neglect or refuse to permit any such Inhabitant or Occupier to inspect such Assessment, or to make any Extract therefrom, he shall for every such Offence, on summary Conviction thereof before Two Justices of the Peace, be liable to a Penalty not exceeding Five Pounds.

Penalty for refusing such Inspection.

Collection of the Rate charged in such Assessment.

LXI. And be it enacted, That the said Board shall from Time to Time nominate One or more Person or Persons for levying the Amount of Rate charged in every such Assessment, who shall proceed in the same Manner, and shall have the same Powers, Remedies, and Privileges, and shall be subject to the same Regulations and Penalties, with reference to the levying of such Rate, as if he or they were an Overseer or Overseers of the Poor in a Precinct or Place rated to the Relief of the Poor, and shall pay over the Amount of such Rate to the Treasurer of the said Board, or in default thereof shall be proceeded against in the same Manner as Overseers are by this Act to be proceeded against for Nonpayment.

Appeal against Assessment.

LXII. Provided always, and be it enacted, That if any Person who shall have paid the Amount of Rate charged upon him by the Assessment made by an Assessor appointed under this Act shall think himself aggrieved by such Assessment, on the Ground that such Assessment includes any Property for which he is not rateable under this Act, or that it assesses his rateable Property beyond its full and fair annual Value, or that any Person or Persons is or are omitted out of such Assessment, or that the Property of any Person or Persons is assessed below its full and fair annual Value, the Person so aggrieved may appeal to the next Court of General or Quarter Sessions which shall be holden for the County, Corporation, or Franchise in which the Cause of Appeal shall have arisen, not less than Twenty-one Days after public Notice of such Assessment shall have been given as herein-before mentioned; provided that the Person so intending to appeal shall give to the said Board a Notice in Writing of such Appeal, and of the Cause and Matter thereof, Ten clear Days at the least before such Sessions, and shall also, within Three Days after

after his Notice of Appeal, enter into a Recognizance before some Justice of the Peace of the County, Corporation, or Franchise, with Two sufficient Sureties, conditioned to try such Appeal at the said Sessions, and to abide the Order of the Court thereupon, and to pay such Costs as shall be by the Court awarded; and in case such Person shall appeal on the Ground that any Person or Persons is or are omitted out of the Assessment, or that the Property of any Person or Persons is assessed below its full and fair annual Value, the Party so appealing shall not only give such Notice of Appeal to the said Board, and enter into such Recognizance as aforesaid, but shall also give a like Notice of Appeal to the Person or Persons so interested in the Event of such Appeal as aforesaid, and shall enter into a like Recognizance within the Times herein-before respectively mentioned; and the Person or Persons so interested shall, if he or they shall desire it, be heard upon the Appeal; and the Justices of the Peace at such Sessions, or some Adjournment thereof, upon due Proof of the Notice having been given, and of the Recognizance having been entered into as aforesaid, shall hear and determine the Matter of the Appeal in a summary Manner, and shall make such Order therein, with or without Costs to either Party, as the said Justices shall think proper; and in case the said Justices shall think the Appellant entitled to Relief, they shall order the Assessment to be amended in such Manner as may be necessary for giving him Relief, and shall also order any Money paid by him which he was not liable to pay to be returned to him; and in case he shall have appealed on the Ground that any Person or Persons is or are omitted out of the Assessment, the said Justices may order the Name or Names of such Person or Persons to be inserted in the Assessment, and to be therein rated at such Amount as they shall deem just; and in case the Appellant shall have appealed on the Ground that the Property of any Person or Persons is assessed below its full and fair annual Value, the said Justices may order the Amount at which such Person or Persons is or are rated in the Assessment to be altered in such Manner as they shall deem just; and the proper Officer of the Court shall in each of the Cases aforesaid forthwith amend the Assessment accordingly, but the Assessment shall not be quashed or altered with respect to any other Persons named therein; and the Determination of the Justices at any such Sessions or Adjournment shall be final and conclusive.

The Assessment may be altered to relieve the Appellant, without altering any other Part of it.

LXIII. And be it enacted, That the said Board shall cause Books to be provided and kept, and full and correct Accounts to be entered therein of all Fees, Payments, Rates, and other Monies received, levied, and recovered by the said Board, and of the Application thereof, distinguishing the Times and Purposes when and for which

Accounts to be kept.

Books may be inspected.

Penalty for refusing Inspection.

Monies were received and paid; and the Rate-payers and every Mortgagee under this Act may at all reasonable Times inspect and take Copies of or Extracts from such Books, without Fee or Reward; and any Clerk or other Person having the Custody of such Books who shall not, on any reasonable Demand of any such Rate-payer or Mortgagee as aforesaid, permit him to inspect such Books, or to take such Copies or Extracts as aforesaid, shall for every such Offence, on summary Conviction thereof before Two Justices of the Peace, be liable to a Penalty not exceeding Five Pounds; and the said Board shall, in the Month of *January* in each Year, cause their Accounts to be balanced up to the Thirty-first Day of *December* of the preceding Year; and the said Board shall cause a full Statement and Account to be drawn out of the Amount of all Contracts entered into, and of all Monies received and expended, by virtue of this Act, during such preceding Year, under the several distinct Heads of Receipt and Expenditure, and also of all Arrears of Rates and other Monies then owing to the said Board, and of all Mortgages and other Debts then owing by the said Board; and the said Board shall give public Notice, by Advertisement to be inserted not less than twice in each of Two daily Morning Newspapers circulating in *London* and *Westminster*, that such Statement and Account is prepared and ready for the Inspection of the Rate-payers and Mortgagees, and of the Day fixed for auditing the Accounts; and the said Board shall allow such Statement and Account to remain for Inspection at their principal Office; and every such Rate-payer and Mortgagee may at all reasonable Times before the Day of Audit inspect such Statement and Account, and compare the same with the Books and Documents relating thereto in the Possession of the said Board, on Payment of a Fee of One Shilling for each Inspection.

Balancing Accounts.

Annual Statement.

Public Notice of Statement.

Statement, &c. to remain at the Office for Inspection.

Certain Clauses of 10 & 11 Vict. c. 65. incorporated with this Act.

LXIV. And be it enacted, That the Clauses of the "Cemeteries Clauses Act, 1847," "with respect to exclusive Rights of Burial and Monumental Inscriptions in the Cemetery," and "with respect to the Protection of the Cemetery," shall be incorporated with this Act; but for the Purposes of this Act the Expression "the Bishop of the Diocese" where used in the said Clauses "with respect to exclusive Rights of Interment and Monumental Inscriptions" shall mean the Bishop of *London*; and for the Purposes of this Act the Expression "the Company" where used in the "Cemeteries Clauses Act, 1847," shall mean "the General Board of Health," and the Expression "the Clerk" where used in such Act shall include "the Assistant Secretary" appointed under this Act; and every Person committing any Offence in the said Clauses "with respect to the Protection of the Cemetery" respectively mentioned shall forfeit the Sum therein respectively mentioned to the said Board, upon a summary

summary Conviction for such Offence before Two Justices of the Peace.

LXV. And be it enacted, That the said Board shall from Time to Time be assessed or rated to all County, Parochial, or other local Rates, for and in respect of any Burial Ground provided under this Act, and any Building or Place of Burial therein, or other Lands acquired by them for the Purposes of this Act, in such and the same Proportion as, but not at any higher Value or improved Rent than, such Ground or Lands was or were assessed or rated at for the Year immediately preceding the taking and Conversion of such Ground or Lands for the Purposes of this Act.

Board to be assessed to Rates in respect to Burial Grounds provided under this Act.

LXVI. And be it enacted, That the Accounts of the said Board shall be examined and audited by the Commissioners for auditing the public Accounts of this Kingdom, and such Commissioners shall, in examining, trying, and auditing the Accounts of the said Board, have all the Powers which are vested in them by Law for examining, trying, and auditing the said public Accounts, and the Monies which may be received and become applicable for the Purposes of this Act shall be deemed public Monies, and may be recovered in case of Default accordingly, but all Monies so recovered shall be paid into the said Account at the Bank of *England* for the Purposes of this Act.

Audit of Accounts by Auditors of public Accounts.

LXVII. And be it enacted, That the said Board may enter into all such Contracts as they may think fit for the Erection and furnishing of Chapels in the Burial Grounds provided under this Act, and in the Case of Chapels already built, for enlarging the same, and for enclosing and laying out such Grounds, and for providing Offices and Houses of Reception, and for any other Matters in relation to the Purposes of this Act in respect to which it may appear to the said Board expedient to enter into Contracts.

Board may contract.

LXVIII. Provided always, and be it enacted, That no Purchase, Building, or Work, where the Purchase Money or the estimated Expense of such Building or Work exceeds One hundred Pounds, shall be made, erected, or done, or any Contract for the same entered into, by the said Board, under this Act, without the Approbation of the Commissioners of Her Majesty's Treasury.

Purchases and Works not to be made or done without previous Sanction of the Treasury.

LXIX. And be it enacted, That "The Lands Clauses Consolidation Act, 1845," except the Provisions of that Act "with respect to

Certain Provisions of 8 & 9 Vict. c. 18., as to

Cemeteries and Compensation, incorporated with this Act.

to Lands acquired by the Promoters of the Undertaking under the Provisions of the 'Lands Clauses Consolidation Act, 1845,' or the special Act, or any Act incorporated therewith, but which shall not be required for the Purposes thereof," and "with respect to the Provision to be made for affording Access to the special Act by all Parties interested," shall, so far as respects Purchases by the said Board of any Cemetery mentioned in the Schedule (B.) to this Act, and Compensation to Persons interested in Non-parochial Burial Grounds, be incorporated with this Act.

Certain Provisions of same Act as to Lands taken by Agreement only incorporated with this Act.

LXX. And be it enacted, That the said Lands Clauses Consolidation Act, except the Provisions of that Act specified and excepted in the Section next herein-before contained, and except also the Provisions of that Act "with respect to the Purchase and taking of Lands otherwise than by Agreement," shall, so far as respects Purchases of Lands by Agreement under this Act by the said Board, be incorporated with this Act, and for the Purposes of this Act the Expression "the Promoters of the Undertaking," wherever used in the said Lands Clauses Consolidation Act, shall mean the said Board.

Receipt of Company to be an effectual Discharge.

LXXI. And be it enacted, That the Receipt in Writing under the Common Seal of the Company for the Purchase or Consideration Money for any Cemetery belonging to such Company which shall be purchased by the said Board, or for any Compensation payable to such Company under this Act, shall be an effectual Discharge to the said Board for the same.

Power to dispose of Lands not wanted.

LXXII. And be it enacted, That it shall be lawful for the said Board to sell and dispose of any Lands purchased by them under this Act, which it may appear to the said Board may be properly sold or disposed of, and which may not have been consecrated or used for the Burial of the Dead; and for completing and carrying any such Sale into effect such Board may make and execute a Conveyance of the Lands sold and disposed of as aforesaid unto the Purchaser, or as he shall direct, and such Conveyance shall be under the Seal of the said Board; and the Word "grant" in such Conveyance shall have the same Operation as by the said Lands Clauses Consolidation Act, is given to the same Word in a Conveyance of Lands made by the Promoters of the Undertaking; and a Receipt under the Seal of the said Board shall be a sufficient Discharge to the Purchaser of any such Lands for the Purchase Money in such Receipt expressed to be received; and the Money to arise from such Sale shall be applied in like Manner as other Monies received under this Act; and the said Board may let from Year to Year, and at such

Rent as the said Board may think fit, any Land which may have been purchased by and become vested in the said Board under this Act, and which for the Time being shall not be required for the Purposes of this Act.

Annual Reports and Abstract of Accounts to be made, and laid before Parliament.

LXXIII. And be it enacted, That the said Board shall, in the Month of *March* in every Year, send to One of Her Majesty's Principal Secretaries of State a Report of their Proceedings, specifying the Burial Grounds which have been provided under this Act in the preceding Year, and showing the Portions of such Burial Grounds which are consecrated and intended to remain unconsecrated respectively, and stating also the Names of the Chaplains appointed under this Act, and of the Officers and Servants appointed and employed by the said Board under this Act, showing those appointed for the general Purposes of this Act and those appointed or employed for and in each such Burial Ground, and their respective Duties, and stating the Amounts of the Stipends payable to the said Chaplains, and of the respective Salaries and Wages of such Officers and Servants, and stating the Annuities payable under this Act by way of Compensation to Clerks and Sextons, and to Churchwardens or other Persons on behalf of Parishes, and the Compensations payable under this Act in respect of Non-parochial Burial Grounds, and the Debts and Annuities, if any, in respect of Parochial Burial Grounds, to be discharged under this Act, and specifying all Burial Grounds and Works commenced under the Authority of the said Board during the preceding Year, and remaining in progress at the Termination of such Year; and the said Board shall, after they have fixed a Table of the Fees and Sums to be payable upon Interments in the Burial Grounds provided under this Act, annex such Table to their next Report, and from Time to Time as the said Board shall vary such Table of Fees and Sums they shall annex such varied Table to their next Report; and the said Board shall, with every Report to be sent as aforesaid, send to such Secretary of State an Account in Abstract, showing the Receipt and Expenditure under this Act for such preceding Year, under the several distinct Heads of Receipt and Expenditure, with the Statement of the Allowance of the said Commissioners for auditing the public Accounts, if they have allowed such Accounts, or of the Parts, if any, which they have disallowed of such Accounts, and also a summary Statement of all Contracts entered into by the said Board in such preceding Year, and of the Monies owing to and Debts owing by the said Board on the Thirty-first Day of *December* of such preceding Year; and the said Board shall also from Time to Time give to any One of such Secretaries of State as aforesaid such Information as he may require respecting their Proceedings; and every

such Report, Account in Abstract, and Statement as aforesaid shall be laid before both Houses of Parliament within One Month after the Receipt thereof, if Parliament be sitting, or if Parliament be not sitting, then within One Month after the next Meeting of Parliament.

Power to convey Chapels in out-lying Parochial Burial Grounds to Trustees for the Parishes in which they are situate.

LXXIV. And be it enacted, That where any Burial Ground in which Interment is discontinued under this Act belongs to any Parish other than the Parish within which the same is locally situate, it shall be lawful for the Incumbent and Churchwardens of the Parish to which such Burial Ground belongs, with the Consent of the Vestry or Persons possessing the Powers of Vestry for Ecclesiastical Purposes of or in such Parish, and of the Bishop of the Diocese, to convey any Chapel belonging to such Parish and situate in or attached to such Burial Ground, and the Site thereof, to any Persons named by the Incumbent and Churchwardens of the Parish within which the same is situate, with the Consent of the Vestry or Persons possessing the Powers of Vestry of or in such Parish for Ecclesiastical Purposes, and of the said Bishop, and upon such Trusts for such last-mentioned Parish, and subject to such Conditions to be performed on behalf of such Parish, and with such Provision for the Appointment of new Trustees, as to the said Bishop may seem proper, and such Conveyance shall be effectual to pass all the Estate and Interest vested in any Persons in trust or on behalf of the Parish to which such Chapel and the Site thereof belong; and after the Execution of such Conveyance all Obligation on such last-mentioned Parish, or any Trustees or others on behalf thereof, to repair such Chapel or to pay any Stipend to the Minister thereof, or otherwise in relation to or in connexion with such Chapel, shall cease.

Provision for dissolving Cemetery Companies.

LXXV. And be it enacted, That after Payment by the said Board of the Purchase or Consideration Money for any of the Cemeteries mentioned in the Schedule (B.) to this Act, or after the Payment to any Cemetery Company of the Compensation for the Loss or Damage sustained by them by reason of the Discontinuance of Interment in their Cemetery or Cemeteries under the Provisions of this Act, the Cemetery Company to which such Purchase or Consideration Money or Compensation may belong or be payable (unless some other Cemetery in which Interment is not then discontinued remain vested in them) shall continue only for the Purpose of winding up the Affairs, and realizing and distributing the Assets thereof, and the satisfying any Debts or Engagements to or by the said Company, and for the Enforcement by Law or in Equity of such Debts or Engagements respectively; and the said Company, as soon as conveniently may be after the Payment of such Purchase or Consideration Money or Compensation shall convert into Money, by

by Sale or otherwise, the Effects of the said Company, and get in the Debts and Assets thereof, and distribute and apportion the Monies thence arising, together with such Purchase or Consideration Money or Compensation, after satisfying all the Debts, Engagements, and Liabilities of the said Company, to and among the several Proprietors thereof according to their respective Shares and Interests therein, and from and immediately after such Distribution and Apportionment the said Company shall be dissolved, and the Receipt of every Person who for the Time being would have been entitled to give an effectual Discharge for any Dividends which might have become payable in respect of any Share in any such Cemetery or Company in case this Act had not been passed, for the Proportion of the Monies which under this Provision shall become payable in respect of such Share, shall be an effectual Discharge to such Company and the Directors thereof for the same.

Interpretation of Terms.

LXXVI. And be it enacted, That in the Construction of this Act the following Words and Expressions shall have the Meanings hereby assigned to them, unless such Meanings be repugnant to or inconsistent with the Context; (that is to say,)

Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number:

Words importing the Masculine Gender only shall include Females:

Words importing Individuals shall include Corporations:

The Word "Lands" shall include Messuages, Buildings, Lands, and Hereditaments:

The Expression "the District" shall mean "the Metropolitan Burial District:"

The Word "Parish" shall include united Parishes, and any distinct and separate Parish, District Parish, District Chapelry, or Consolidated District, formed under the Provisions of the Church Building Acts, and any new Parish constituted by or under the Proceedings of the Ecclesiastical Commissioners for *England*; and the Word "consecrated" shall mean consecrated according to the Rites of the United Church of *England* and *Ireland*, and the Word "unconsecrated" shall mean not so consecrated.

Short Title.

LXXVII. And be it enacted, That in citing this Act in other Acts, and in legal Instruments and other Proceedings, it shall be sufficient to use the Expression "The Metropolitan Interments Act, 1850."

SCHE-

SCHEDULE (A.)

THE METROPOLITAN BURIAL DISTRICT.

The City of London and the Liberties thereof, the Inner Temple and Middle Temple, and all other Places and Parts of Places contained within the exterior Boundaries of the Liberties of the City of London.

In Middlesex.

The City and Liberties of Westminster.

The Parishes of St. Margaret and Saint John the Evangelist.
The Parish of St. Martin in the Fields.
The Parish of St. George Hanover Square.
The Parish of St. James.
The Parish of St. Mary-le-Strand, as well within the Liberty of Westminster as within the Duchy Liberty.
The Parish of St. Clement Danes, as well within the Liberty of Westminster as within the Duchy Liberty.
The Parish of St. Paul Covent Garden.
The Parish of St. Anne Soho.
Whitehall Gardens (whether the same be parochial or extra-parochial).
Whitehall (whether the same be parochial or extra-parochial).
Richmond Terrace (whether the same be parochial or extra-parochial).
The Close of the Collegiate Church of St. Peter.

The Parishes of St. Giles in the Fields and St. George Bloomsbury.
The Parishes of St. Andrew Holborn and St. George the Martyr.
The Liberty of Hatton Garden, Saffron Hill, and Ely Rents.
The Liberty of the Rolls.
The Parish of St. Pancras.
The Parish of St. John Hampstead.
The Parish of St. Marylebone.
The Parish of Paddington.

The

The Precinct of the Savoy.
The Parish of St. Luke.
The Liberty of Glasshouse Yard.
The Parish of St. Sepulchre.
The Parish of St. James Clerkenwell, including both Districts of St. James and St. John.
The Parish of St. Mary Islington.
The Parish of St. Mary Stoke Newington.
The Charterhouse.
The Parish of St. Mary Whitechapel.
The Parish of Christchurch Spitalfields.
The Parish of St. Leonard Shoreditch.
The Liberty of Norton Falgate.
The Parish of St. John Hackney.
The Parish of St. Matthew Bethnal Green.
The Hamlet of Mile End Old Town.
The Hamlet of Mile End New Town.
The Parish of St. Mary Stratford Bow.
The Parish of Bromley St. Leonard.
The Parish of All Saints Poplar.
The Parish of St. Anne Limehouse.
The Hamlet of Ratcliffe.
The Parish of St. Paul Shadwell.
The Parish of St. George in the East.
The Parish of St. John Wapping.
The Liberty of East Smithfield.
The Precinct of St. Catherine.
The Liberty of Her Majesty's Tower of London, consisting of—
The Liberty of the Old Artillery Ground.
The Parish of Trinity, Minories.
The Old Tower Precinct.
The Precinct of the Tower Within.
The Precinct of Wellclose.
The Parish of Kensington.
The Parish of St. Luke Chelsea.
The Parish of Fulham.
The Parish of Hammersmith.
Lincoln's Inn.
New Inn.
Gray's Inn.
Staple Inn.
That Part of Furnival's Inn in the County of Middlesex.
Ely Place.

In Kent.

The Parish of St. Paul Deptford.
The Parish of St. Nicholas Deptford.
The Parish of Greenwich.
The Parish of Woolwich.
The Parish of Charlton.
The Parish of Plumstead.

In Surrey.

The Borough of Southwark.

The Parish of St. George the Martyr.
The Parish of St. Saviour.
The Parish of St. John Horsleydown.
The Parish of St. Olave.
The Parish of St. Thomas.

The Parish of Battersea (except the Hamlet of Penge).
The Parish of Bermondsey.
The Parish of Camberwell.
The Parish of Clapham.
The Parish of Lambeth.
The Parish of Newington.
The Parish of Putney.
The Parish of Rotherhithe.
The Parish of Streatham.
The Parish of Tooting.
The Parish of Wandsworth.
The Parish of Christchurch.
The Clink Liberty.
The Hamlet of Hatcham in the Parish of Deptford.

SCHEDULE (B.)

The several Cemeteries established under the several Acts hereinafter mentioned; viz.—

2 & 3 W. 4. c. cx. An Act for establishing a General Cemetery for the Interment of the Dead in the Neighbourhood of the Metropolis:

6 & 7 W. 4. c. cxxix. An Act for establishing a Cemetery for the Interment of the Dead Southward of the Metropolis, to be called the "South Metropolitan Cemetery:"

An

An Act for establishing Cemeteries for the Interment of the Dead, Northward, Southward, and Eastward of the Metropolis, by a Company to be called "The London Cemetery Company:" 6 & 7 W. 4. c. cxxxvi.

An Act for establishing a Cemetery for the Interment of the Dead, Westward of the Metropolis, by a Company to be called "The West of London and Westminster Cemetery Company:" And 1 Vict. c. cxxx.

An Act to establish a General Cemetery for the Interment of the Dead in the Parishes of Saint Dunstan Stepney and Saint Leonard Bromley in the County of Middlesex: 4 & 5 Vict. c. lxiii.

The Victoria Park Cemetery, in the Parish of Saint Matthew Bethnal Green in the County of Middlesex: And

The Abney Park Cemetery, in the Parish of Saint Mary Stoke Newington in the County of Middlesex.

SCHEDULE (C.)

Form of Mortgage.

Mortgage Number ( ).

By virtue of an Act passed in the Year of the Reign of Queen Victoria [*here insert the Title of this Act*], the General Board of Health, in consideration of the Sum of paid to the Treasurer of the said Board by *A.B.* of for the Purposes of the said Act, do grant and assign unto the said *A.B.*, his Executors, Administrators, and Assigns, all the Monies arising and to arise from the several Fees, Payments, and Rates to be received and made under the said Act, to hold to the said *A.B.*, his Executors, Administrators, or Assigns, from the Day of the Date hereof until the said Sum of with Interest at the Rate of per Centum per Annum for the same, shall be fully paid and satisfied; and it is hereby declared, that the said Principal Sum shall be repaid on the Day of and that in the meantime the Interest thereof shall be paid on the Day of and the Day of in every Year.

In witness whereof the said Board have hereunto set their Seal this Day of 18

SCHE-

SCHEDULE (D.)

Form of Transfer of Mortgage.

I *A.B.* of in consideration of the Sum of Pounds paid to me by *C.D.* of do hereby transfer to the said *C.D.*, his Executors, Administrators, and Assigns, a certain Mortgage Number ( ), bearing Date the Day of and made by the General Board of Health to for securing the Sum of and Interest [*or, if such Transfer be by Indorsement on the Mortgage, insert, instead of the Words after* "Assigns," the within Security], and all my Property, Right, and Interest in and to the Money thereby secured, and in and to the Monies thereby assigned. In witness whereof I have hereunto set my Hand and Seal this Day of 18 .

A.B. (L.S.)

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1850.
O

ANNO DECIMO TERTIO & DECIMO QUARTO

VICTORIÆ REGINÆ.

CAP. LIII.

An Act for taking account of the Population of *Great Britain.* [5th *August* 1850.]

WHEREAS it is expedient to take an Account of the total Number of Persons within *Great Britain:* Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That at the Time and in the Manner herein-after directed an Account shall be taken of the Number of Persons who at the Time of taking such Account shall be within *England* and *Scotland* respectively, and the Persons employed in taking such Account shall set down the several Particulars respecting the same according to such Form as shall be prescribed as herein-after mentioned.

Account of the Population to be taken.

II. And be it enacted, That One of Her Majesty's Principal Secretaries of State shall have the Care of superintending the taking of such Account, and shall cause to be prepared and printed, for the Use of the Persons to be employed in taking such Account, such Forms and Instructions as he shall deem necessary; and the Registrar General shall issue all such Forms and Instructions to the Persons for whose Use they shall be intended; and all the Expenses which shall

Secretary of State to superintend the taking an Account of the Population.

shall be incurred by such Secretary of State under this Act, and not herein otherwise provided for, shall be paid out of such Monies as shall be provided by Parliament for that Purpose.

Registrars Districts in England to be formed into Enumeration Districts.

III. And be it enacted, That every Registrar's District in *England* shall be formed into Enumeration Districts according to Instructions to be prepared by or under the Direction of such Secretary of State, who shall cause a sufficient Number of Copies of such Instructions to be sent to every Registrar of Births and Deaths in *England;* and the Registrars, with all convenient Speed, shall divide the several Districts into Enumeration Districts according to such Instructions, and subject in each Case to be revised by the Superintendent Registrars, and to the final Revision and Approval of the said Registrar General.

Enumerators to be appointed.

IV. And be it enacted, That the several Registrars of Births and Deaths in *England* shall make and return to their respective Superintendent Registrars a List containing the Names and Places of Abode of a sufficient Number of Persons, duly qualified according to Instructions to be prepared by or under the Direction of such Secretary of State, to take account of the Population within their several Districts, and such Persons, when approved of by the Superintendent Registrar, shall be appointed by him Enumerators for taking such Account, subject nevertheless to the Approval of the said Registrar General; and the Registrar, with the Approval of the Superintendent Registrar, shall assign a District to each Enumerator, and shall distribute to the several Enumerators in his District the Forms and Instructions which shall have been issued for that Purpose by the Registrar General, and shall personally ascertain that each Enumerator thoroughly understands the Manner in which the Duties required of him are to be performed.

Enumerators to take the Account in England on 31st March 1851.

V. And be it enacted, That upon *Monday* the Thirty-first Day of *March* in the Year One thousand eight hundred and fifty-one every such Enumerator, under the Direction of the Registrar of the District, shall visit every House within his District, except as hereinafter provided, and shall take an Account in Writing of the Name, Sex, Age, and Occupation of every living Person who abode therein on the Night of *Sunday* the Thirtieth Day of the said Month of *March*, and shall also ascertain which of such Persons are Foreigners, and shall also take an Account of the occupied Houses, and of the Houses then building and therefore uninhabited, and also of all other uninhabited Houses within his District; and shall also take an Account of all such further Particulars as by the Forms and Instructions which may be issued under this Act they may be directed to inquire into;

into; and in such Account each Enumerator shall distinguish the several Parishes and Places maintaining their own Poor within his District, or such Parts thereof as shall be within his District, and shall also distinguish those Parishes and Places or Parts of Parishes and Places within his District which are within the Limits of any City or Borough returning or contributing to return a Member or Members to serve in Parliament, or of any incorporated City or Borough, or of any Ecclesiastical District, and shall sign and deliver such Account to the Registrar of the District, and also a Form or Declaration to the Effect that the said Account has been truly and faithfully taken by him, and that to the best of his Knowledge the same is correct, so far as may be known; which Form of Declaration shall be prepared by or under the Direction of such Secretary of State, and issued by the Registrar General with the Forms and Instructions aforesaid.

Registrars to verify the Accounts.

VI. And be it enacted, That the Registrar to whom such Accounts shall be delivered shall examine the same, and shall satisfy himself that the Instructions in each Case have been punctually fulfilled, and if not shall cause any Defect or Inaccuracy in the said Accounts to be supplied, so far as may appear possible; and when the Accounts shall have been made as accurate as is possible the Registrar shall deliver them to the Superintendent Registrar of his District.

Superintendent Registrars to collect Accounts, and return them to Secretary of State.

VII. And be it enacted, That the Superintendent Registrar shall examine all the Accounts which shall be so delivered to him, and shall satisfy himself how far the Registrars have duly performed the Duties required of them by this Act, and shall cause any Inaccuracies which he shall discover in such Accounts to be corrected, so far as may be possible, and shall return on or before the First Day of *June* One thousand eight hundred and fifty-one all the Accounts which shall have been delivered to him to the Registrar General, for the Use of such Secretary of State.

Abstracts of Returns to be printed, and laid before Parliament.

VIII. And be it enacted, That such Secretary of State shall cause Abstracts to be made of the said Returns; and such Abstracts shall be printed, and laid before both Houses of Parliament within Twelve Calendar Months next after the First Day of *June* in the Year One thousand eight hundred and fifty-one, if Parliament be sitting, or, if Parliament be not sitting, then within the first Fourteen Days of the Session then next ensuing.

Copies of this Act, &c. to be sent to the Sheriffs,

IX. And be it enacted, That the Registrar General shall send a printed Copy of this Act, and also a sufficient Number of all Forms and Instructions which the said Secretary of State shall have caused

to

Provosts, &c. in Scotland.

to be prepared, to the Sheriff of every County in *Scotland*, and to the Provost or other Chief Magistrate of every Royal Burgh, and of every Parliamentary Burgh having a Provost and Magistrates, in *Scotland*, with such Alterations in the said Forms and Instructions as to such Secretary of State shall seem necessary to make them applicable to the Circumstances of each Case.

Sheriffs, &c. in Scotland to appoint Schoolmasters or other Persons to take the Account required in Scotland.

X. And be it enacted, That the Sheriffs in their respective Counties, and the Provost or other Chief Magistrate of the Royal and Parliamentary Burghs within the said Burghs, shall nominate and appoint, in Writing under the Hand of their respective Clerks, the Schoolmaster or other fit Person or Persons in each Parish or Part of a Parish or Place within their respective Jurisdictions to take account of the several Matters required by this Act; and the Sheriffs Officers and Town Officers respectively shall forthwith deliver the Forms and Instructions prepared as aforesaid for their Use to the Schoolmaster or other Person or Persons so appointed; and on the said Thirty-first Day of *March* in the Year One thousand eight hundred and fifty-one the Schoolmaster or other Person or Persons so appointed shall visit every House within their District, and shall take an Account in Writing of the Name, Sex, Age, and Occupation of every living Person who abode therein on the Night of the said Thirtieth Day of the said Month of *March*, and shall also ascertain which of such Persons are Foreigners, and also take an Account of the occupied Houses, and of the Houses then building and therefore uninhabited, and also of all other uninhabited Houses within their District; and shall also take an Account of all such further Particulars as by the Forms and Instructions which may be issued under this Act they may be directed to inquire into; and in such Account the Enumerators shall distinguish the several Parishes and Places maintaining their own Poor, and shall also distinguish those Parishes and Places, or Parts of Parishes and Places, which are within the Limits of any City, Burgh, or Town returning or contributing to return a Member or Members to serve in Parliament, or Royal Burgh, and shall then exhibit the same to the Minister of the Parish, for his Correction and Approbation, and for any Observations which he may think fit to write thereupon; and the several Schoolmasters and other Persons appointed shall thereafter sign the same with their Names and ordinary Designations.

Returns to be made to the Sheriffs, &c. in Scotland.

XI. And be it enacted, That the Sheriffs and the Provost or other Chief Magistrates of the Royal and Parliamentary Burghs, within their respective Jurisdictions, shall appoint a Time or Times, which shall not be sooner than the Seventh nor later than the Thirtieth Day of *April* One thousand eight hundred and fifty-one, for the

the Schoolmaster, Person or Persons, appointed by them as aforesaid, to attend at their Offices, or at such other Places as they shall appoint, with their Returns to be made under this Act, and the said Sheriffs and Provosts or other Chief Magistrates shall cause Notice to be given to them respectively for that Purpose accordingly, and shall then and there receive the Returns to be made as aforesaid, and cause every Schoolmaster or Person appointed to make such Returns as aforesaid to make a Declaration to the Effect that the said Account has been truly and faithfully taken, and that to the best of his Knowledge the same is correct, so far as may be known; and such Sheriffs and Provosts or other Chief Magistrates aforesaid, if they see Cause, may examine the said Schoolmaster, Person or Persons, touching any of the Matters contained in such Questions and Answers, especially as to the distinct Population of Parts of Parishes not only contained in one and the same County, or partly included in any Parliamentary Burgh (as aforesaid) or Royal Burgh, and shall thereafter direct the Clerks of their respective Jurisdictions to indorse the same (if not previously indorsed) with the Name of the County and District thereof wherein the Parish or Place therein mentioned is situated, or otherwise (in Cases where the said Sheriffs shall think proper) they shall direct the Schoolmasters and other Persons aforesaid to verify the said Returns and Answers before any Justice of the Peace within the County, and thereafter to transmit the Schedule, previously to the said Thirtieth Day of *April*, in any convenient Manner, to the said Sheriffs, who shall direct the same to be indorsed as aforesaid.

Original Accounts taken by Schoolmasters in Scotland to be transmitted to Secretary of State.

XII. And be it enacted, That the Sheriffs and Provosts or other Chief Magistrates of the Royal and Parliamentary Burghs, in *Scotland*, shall on or before the First Day of *June* One thousand eight hundred and fifty-one send the several original Accounts so taken in Writing by the Schoolmasters or other Persons appointed as aforesaid in every Parish or Place in *Scotland* (together with a List of the Parishes and Places within their respective Counties, Ridings, or Divisions from whence no Returns have been made to them,) to the Registrar General for the Use of such Secretary of State, who shall cause Abstracts thereof to be made and printed and laid before both Houses of Parliament within Twelve Months after the said First Day of *June* if Parliament be sitting, or, if Parliament be not sitting, then within the first Fourteen Days of the Session then next ensuing.

Householders Schedules to be left at Dwelling Houses.

XIII. And be it enacted, That Schedules shall be prepared by or under the Direction of such Secretary of State for the Purpose of being filled up by the several Occupiers of Dwelling Houses as herein-after provided; and the Registrars in *England* and *Wales*, and the Schoolmasters and other Persons charged with taking the said

said Account in *Scotland*, shall in the course of the Week ending on *Saturday* the Twenty-ninth Day of *March* in the Year One thousand eight hundred and fifty-one leave or cause to be left at every Dwelling House within their respective Districts One or more of the said Schedules for the Occupier or Occupiers thereof or of any Part thereof, and upon every such Schedule shall be plainly expressed that it is to be filled up by the Occupier of such Dwelling House, (or where such Dwelling House is let in different Stories or Apartments, and occupied distinctly by different Persons or Families, by the Occupier of each such distinct Story or Apartment,) and that the Person charged with taking the said Account will collect all such Schedules within his District on the *Monday* then next following; and every Occupier of any Dwelling House, or of any distinct Story or Apartment in any Dwelling House, with or for whom any such Schedule shall have been left as aforesaid, shall fill up the said Schedule to the best of his or her Knowledge and Belief, so far as relates to all Persons dwelling in the House, Story, or Apartment occupied by him or her, and shall sign his or her Name thereunto, and shall deliver the Schedule, so filled up, or cause the same to be delivered, to the Person charged with taking the said Account, when required so to do; and every such Occupier who shall wilfully refuse or without lawful Excuse neglect to fill up the said Schedule to the best of his or her Knowledge and Belief, or to sign and deliver the same as herein required, or who shall wilfully make, sign, or deliver, or cause to be made, signed, or delivered, any false Return of all or any of the Matters specified in the said Schedule, shall forfeit a Sum not more than Five Pounds nor less than Two Pounds.

Occupiers to fill up the Schedules, and sign and deliver them to the Enumerator.

Penalty for Neglect.

Schedules to be collected from House to House, and corrected if found to be erroneous.

XIV. And be it enacted, That the Persons charged with taking the said Accounts in *Great Britain* shall collect all the Schedules so left within their District from House to House, and, so far as may be possible, on the said *Monday* the Thirty-first Day of *March*, and shall complete such of the Returns so made to them as upon Delivery thereof to them shall appear to be defective, and correct such as they shall find to be erroneous, and shall copy the Returns so made to them, when completed and corrected, into the Account which they are required to take of the Persons living within their several Districts, and shall add thereunto the Accounts which they shall have taken of all the other Persons living within their District, in the Manner herein prescribed, who shall not be included in the Returns so made to them.

Masters, &c. of Gaols, &c. to be appointed Enu-

XV. And be it enacted, That the Master or Keeper of every Gaol, Prison, or House of Correction, Workhouse, Hospital, or Lunatic Asylum, and of every public or charitable Institution, which shall

shall be determined upon by the said Registrar General shall be the Enumerator of the Inmates thereof, and shall be bound to conform to such Instructions as shall be sent to him by the Authority of one of the said Secretaries of State, for obtaining the Returns required by this Act, so far as may be practicable, with respect to such Inmates.

merators of the Inmates thereof.

XVI. And be it enacted, That the Overseers of the Poor in every Parish, Township, and Place in *England* and *Wales*, and the Constables, Tithingmen, Headboroughs, or other Peace Officers for such Parishes, Townships, and Places, and the Relieving Officers in any Union formed under the Provisions of an Act passed in the Fifth Year of the Reign of His late Majesty, intituled *An Act for the Amendment and better Administration of the Laws relating to the Poor in* England *and* Wales, shall be bound to act as Enumerators under this Act within their respective Townships, Parishes, and Places, and Unions, if required so to act by one of the said Secretaries of State, and where they shall so act shall be entitled to Allowances as Enumerators under the Provisions of this Act; and every such Overseer, Relieving Officer, Constable, Tithingman, Headborough, and other Peace Officer who shall refuse or wilfully neglect so to act, and duly to perform the Duties required of the said Enumerators by this Act, shall for every such Offence forfeit a Sum not more than Ten Pounds nor less than Five Pounds.

Overseers, Relieving Officers, and Peace Officers bound to act as Enumerators. 4 & 5 W. 4. c. 76.

XVII. And be it enacted, That such Secretary of State shall obtain, by such Ways and Means as shall appear to him best adapted for the Purpose, Returns of the Particulars required by this Act with respect to all houseless Persons, and all Persons who during the said Night of *Sunday* the Thirtieth Day of *March* were travelling or on Shipboard, or for any other Reason were not abiding in any House of which Account is to be taken by the Enumerators, Schoolmasters, and other Persons as aforesaid, and shall include such Returns in the Abstracts to be made by him as aforesaid.

Returns of houseless Poor and of Persons travelling or on Shipboard.

XVIII. And be it enacted, That one of the said Secretaries of State shall cause to be prepared a Table of Allowances to be made to the several Enumerators, Registrars, Superintendent Registrars, and other Persons in *England* employed in the Execution of this Act; and such Table, when approved by the Commissioners of Her Majesty's Treasury, shall be laid before both Houses of Parliament on or before the First Day of *March* One thousand eight hundred and fifty-one, if Parliament be sitting, or, if Parliament be not sitting, then within the first Fourteen Days of the Session then next ensuing.

Table of Allowances to Enumerators in England.

XIX. And

Population.

Manner in which the Payments shall be made to Persons employed in execution of this Act in England.

XIX. And be it enacted, That the Guardians of the Poor, or, where there are no such Guardians, the Overseers of the Poor in every Superintendent Registrar's District in *England*, shall pay to such Superintendent Registrar, out of the Monies in their Hands as such Guardians or Overseers, the whole Amount of the Allowances to which the said Superintendent Registrar, and the Registrars, Enumerators, and other Persons in that District, are severally entitled, according to the said Table; and each Superintendent Registrar shall pay over to the Registrars in his District the Allowances to which the said Registrars, Enumerators, and other Persons are entitled; and each Registrar shall pay over to the Enumerators and other Persons in his District the Allowances to which they are severally entitled, according to the said Table; and the Receipts to be given by the Enumerators and other Persons, Registrars and Superintendent Registrars, for Payment of their said Allowances, shall be delivered to the Guardians or Overseers, as the Case may be; and where the District of any Superintendent Registrar, Registrar, or Enumerator contains more than One Parish or Place, or Parts of more than One Parish or Place, the Guardians established under the said Act for the Amendment and better Administration of the Laws relating to the Poor in *England* and *Wales*, or, if there be no such Guardians, the Superintendent Registrar, shall apportion the whole Sum so paid or to be paid on account of that District among the several Parishes and Places of which any Part is within such District, in such Manner as to them or him shall seem just; and such Apportionment shall be binding upon all Persons, and the Payment thereof shall be allowed in the Accounts of the Guardians and Overseers of the Poor of the said several Parishes and Places; and in every extra-parochial or other Place not having Overseers of the Poor the Persons appointed to collect the County or Borough Rates therein shall be deemed Overseers of the Poor within the Meaning of this Act, and shall pay the Amount charged to the Account of such Place under the Provisions of this Act to the Guardians of the Union in which such Place is situated, or, if it be not situated in any Union, to the Superintendent Registrar, out of the next Monies in their Hands collected for the County or Borough Rate within such Place, and shall be allowed such Payment in their Accounts; and if there be any extra-parochial Place in which no County or Borough Rate, or Rate in the Nature of a County Rate, is collected, the Treasurer of the County, Riding, or Division, or Borough, shall pay the Amount charged to the Account of such Place out of the Monies in his Hands as such Treasurer, and shall be allowed such Payment in his Account: Provided always, that no such Payment shall be made to any Enumerator or other Person who shall be required to act as an Enumerator under this Act, but upon Production of a Certificate

Apportionment of Payments where more than One Parish in a District.

As to extra-parochial Places.

under the Hand of the Registrar that the Duties required of such Enumerator or other Person acting as Enumerator by this Act have been faithfully performed, and the like Certificate shall be required under the Hand of the Superintendent Registrar with respect to the Registrar before any Payment shall be made to the Registrar, and the like Certificate under the Hand of the said Registrar General with respect to the Superintendent Registrar before any Payment shall be made to the Superintendent Registrar.

Payments to be certified to the Registrar General.

XX. And be it enacted, That the Superintendent Registrar of every District in *England* shall within One Calendar Month next after any such Payment shall have been made as aforesaid certify to the said Registrar General the total Amount of the Allowances to which he, and the Registrars, Enumerators, and other Persons in that District, are respectively entitled, according to the said Table.

Parishes, &c. to be reimbursed out of Monies to be provided by Parliament.

XXI. And be it enacted, That all Allowances defrayed as aforesaid by any Parish or Place, or by the Guardians or Overseers on behalf thereof, or by the Treasurer of any County, Riding, Division, or Borough, shall be reimbursed to such Parish, Place, or Treasurer by the Commissioners of Her Majesty's Treasury, out of such Monies as shall be provided by Parliament for that Purpose.

Payments to be made to Persons in Scotland.

XXII. And be it enacted, That the Sheriffs and Provosts or other Chief Magistrates of the Royal and Parliamentary Burghs, in *Scotland*, shall allow to the Sheriff Clerk or Town Clerk respectively, for the Return which shall be made and transmitted from every Parish or Place in *Scotland*, the Sum of One Shilling, and to the Sheriff Officer or Town Officer who shall distribute the Schedule to the Schoolmasters and others, for the like, the Sum of Two Shillings and Sixpence; and the said Sheriffs and Provosts or other Chief Magistrates of the Royal Burghs and other Burghs, in *Scotland*, herein specified, shall allow to the Schoolmasters and others a reasonable Compensation for the Trouble by them necessarily taken, and also for the Expenses (if any) by them necessarily incurred in the Execution of this Act, and shall order Payment thereof, and also of the Sums respectively payable to the Sheriff Clerk or Town Clerk, and to the Sheriff Officer or Town Officer, to be made by the Collector of the Land Tax of and for the Shire or other Place (as the Case shall require), out of any Money in his Hands, and such Collector shall pay the same accordingly.

Penalty for wilful Default.

XXIII. And be it enacted, That every Superintendent Registrar and Registrar, and every Enumerator and other Person who shall be required to act as Enumerator, in *England*, and also every Schoolmaster or other Person in *Scotland*, so appointed as aforesaid, making

 wilful

wilful Default in any of the Matters required of them respectively by this Act, or making any wilfully false Declaration, shall for every such wilful Default or false Declaration forfeit a Sum not exceeding Five Pounds nor less than Two Pounds.

Penalty for refusing Information or giving false Answers.

XXIV. And be it enacted, for the better enabling the said Secretary of State, Registrar General, Enumerators, Schoolmasters, and other Persons employed in the Execution of this Act, to make the said Inquiries and Returns, That the said Enumerators, Schoolmasters, and other Persons shall be authorized to ask all such Questions as shall be directed in any Instructions to be prepared by or under the Direction of the said Secretary of State, which shall be necessary for obtaining the Returns required by this Act; and every Person refusing to answer or wilfully giving a false Answer to such Questions or any of them shall for every such Refusal or wilfully false Answer forfeit a Sum not exceeding Five Pounds nor less than Twenty Shillings.

Recovery and Application of Penalties.

XXV. And be it enacted, That Forfeitures imposed by this Act for Offences in *England* shall be recovered in a summary Manner before Two Justices of the Peace having Jurisdiction in the County or Place where the Offence is committed, in the Manner prescribed by Law in this Behalf; and Forfeitures imposed by this Act for Offences in *Scotland* may be recovered before the Sheriff or Two Justices, who may proceed in a summary Way, and grant Warrant for bringing the Parties complained upon immediately before him or them, and on Proof on Oath by One or more credible Witness or Witnesses, or other legal Evidence, he or they may forthwith determine and give Judgment, without any written Pleadings or Record of Evidence, and grant Warrant for the Recovery of the Penalties and Expenses decerned for, and, failing Payment within Eight Days after Conviction, by Poinding and Imprisonment for a Period, at the Discretion of the Sheriff or Justices, not exceeding Fourteen Days; and Forfeitures recovered in *England* under this Act shall be paid, one Half to the Informer, and the other Half to the Treasurer of the County or Place for which the Justices before whom the Forfeiture is recovered shall have acted, and Forfeitures recovered in *Scotland* under this Act shall be paid, one Half to the Informer, and the other Half to the Collector of the Land Tax of such County wherein the Offence shall be committed, to be by him applied in aid of the Expenditure incurred by reason of this Act.

Explanation Clause.

XXVI. And be it enacted and declared, for Explanation of the full Intent and Meaning of certain Words used in this Act, That the Words "Parish or Place, Parishes or Places," shall include the various Denominations of Townships, Tithings, Hamlets, Villages, Chapelries,

Quarters,

Population.

Quarters, Wards, Parcels, Lordships, Manors, or Parts of any Parish, and all other Places, whether denominated Vills, Precincts, or otherwise, and whether connected with any Parish or deemed to be extra-parochial.

XXVII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament. Act may be amended, &c

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ANNO DECIMO TERTIO & DECIMO QUARTO

VICTORIÆ REGINÆ.

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CAP. LIV.

An Act to amend the Acts relating to Labour in Factories. [5th *August* 1850.]

WHEREAS by an Act passed in the Fourth Year of the Reign of His late Majesty, intituled *An Act to regulate the Labour of Children and young Persons in the Mills and Factories of the United Kingdom*, it was enacted, that no Person under the Age of Eighteen Years should be employed in any Mill or Factory as in the said Act mentioned, in any such Description of Work as therein specified, more than Twelve Hours in any One Day, except as therein-after provided: And whereas by an Act passed in the Seventh Year of the Reign of Her present Majesty, intituled *An Act to amend the Laws relating to Labour in Factories*, it was enacted, that the Hours of Work of Children and young Persons in every Factory should be reckoned from the Time when any Child or young Person should first begin to work in the Morning in such Factory; and by the same Act it was enacted, that no Female above the Age of Eighteen Years should be employed in any Factory, save for the same Time and in the same Manner as young Persons might be employed in Factories: And whereas by an Act passed in the Tenth Year of the Reign of Her present Majesty, intituled *An Act to limit the Hours of Labour of young Persons and Females in Factories*, the Hours of Labour of young Persons and Females in Factories were further restricted as therein is mentioned: And whereas it is expedient to amend the said herein-before recited Acts: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That, save as herein-after mentioned, so much of the said Acts as restricts or limits the Hours of the Employment or Labour of young Persons, and of Females above the Age of Eighteen Years, shall be repealed, and

3 & 4 W. 4. c. 103.

7 & 8 Vict. c. 15.

10 & 11 Vict. c. 29.

No young Person or Female to be employed before Six in the Morn-

ing or after Six in the Afternoon, or on Saturdays after Two in the Afternoon.

and after the passing of this Act no young Person, and no Female above the Age of Eighteen Years, shall be employed in any Factory before Six of the Clock in the Morning or after Six of the Clock in the Evening of any Day (save to recover lost Time, as herein-after provided), and no young Person, and no Female above the Age of Eighteen Years, shall be employed in any Factory, either to recover lost Time or for any other Purpose, on any *Saturday* after Two of the Clock in the Afternoon.

Provision of 7 & 8 Vict. c. 15. requiring Notices of Times of beginning and ending Work to be hung up, repealed.

II. And be it enacted, That so much of the said secondly recited Act as requires Notice in the Form given in the Schedule (C.) to such Act of the Hours of Work of all young Persons, and Females above the Age of Eighteen Years, employed in the Factory, to be hung or fixed up in any Factory, and so much of the same Act as enacts that in any Complaint of the Employment of any Person in a Factory otherwise than is allowed by that Act the Time of beginning Work in the Morning which shall be stated in any Notice fixed up in the Factory, signed by the Occupier or his Agent, shall be taken to be the Time when all Persons in the Factory, except Children beginning to work in the Afternoon, began Work on any Day subsequent to the Date of such Notice, so long as the same continued fixed up in the Factory, shall be repealed.

Meal Times to be taken between Half past Seven in the Morning and Six in the Evening.

III. And whereas by the said secondly recited Act it was enacted, that the Times allowed for Meal Times, as provided by the said firstly recited Act, should be taken between the Hours of Half past Seven in the Morning and Half past Seven in the Evening: Be it enacted, That the Times allowed for such Meal Times as aforesaid shall be taken between the Hours of Half past Seven in the Morning and Six in the Evening; and, subject to such Alteration as aforesaid, all the Provisions of the said firstly and secondly recited Acts concerning Meal Times and Notice of Meal Times shall remain applicable to all young Persons, and to all Females above the Age of Eighteen Years, employed in any Factory.

Young Persons or Females not to be employed under 7 & 8 Vict. c. 15. in recovering lost Time after Seven in the Evening.

IV. And whereas by the said secondly recited Act it was enacted, that in any Factory in which any Part of the Machinery was moved by the Power of Water the Time which should have been lost by Stoppages from Want of Water, or from too much Water, might be recovered within Six Months next after the Stoppage, between the Hours specified in the said firstly recited Act as those within which Time lost by Drought or Excess of Water might be recovered, and that in order to recover Time so lost any Child or young Person might be employed One Hour in each Day more than the Time to which the ordinary Labour of Children and young Persons respectively was restricted by Law, except on *Saturday:* Be it enacted, That no young Person, and no Female above the Age of Eighteen Years, shall, in order to recover Time so lost as aforesaid, be employed after Seven of the Clock in the Evening of any Day; and the Times before Six of the Clock in the Morning and after Six of the Clock

Clock in the Evening during which any such young Person or Female is so employed in any Day shall not together exceed One Hour.

Time during which young Persons and Females may be employed under 7 & 8 Vict. c. 15. s. 34. in recovering lost Time.

V. And whereas by the said secondly recited Act it was enacted, that in any Factory in which any Part of the Machinery was moved by the Power of Water, when the Stream was so diminished by Drought or swollen by Flood during any Part of the Day that any Part of the manufacturing Machinery driven by the Water-wheel had been stopped by reason of such Drought or Flood, the young Persons who would have been employed at such Machinery might recover such lost Time during the Night next following the said Day, unless the said Day were *Saturday;* provided that no such young Person should be employed during any Twenty-four consecutive Hours for a greater Number of Hours than that to which the ordinary daily Labour of such young Persons in Factories was otherwise restricted by Law, and that no young Person so employed in the Night should work more than Five Hours without an entire Cessation from Work of at least Thirty Minutes: Be it enacted, That for the Purposes of the last-recited Enactment the Word "Night" shall include the whole Period between Six of the Clock in the Evening and Six of the Clock in the Morning; and no young Person, and no Female above the Age of Eighteen Years, shall be employed to recover such lost Time as last aforesaid during any Twenty-four consecutive Hours for more than Ten Hours and Half of another Hour; and, save as herein-before mentioned, young Persons and Females may be employed to recover lost Time according to the Provisions of the said secondly recited Act.

Power to employ young Persons from Seven in the Morning to Seven in the Evening, from 30th Sept. to 1st April, under certain Regulations.

VI. Provided always, and be it enacted, That during all or Part of the Period between the Thirtieth Day of *September* of any Year and the First Day of *April* of the following Year, young Persons, and Females above the Age of Eighteen Years, may be employed, except on *Saturday,* between the Hours of Seven of the Clock of the Morning and Seven of the Clock of the Evening, instead of the Hours herein-before limited, under the following Regulations and Conditions; (that is to say,) Notice signed by the Occupier of any Factory, or his Agent, of the Intention to employ young Persons and Females under this Provision, specifying the Period, not being less than One Month, during which they are to be so employed in such Factory, shall be given to One of the Inspectors of Factories, and a Notice to the like Effect, in such Form as shall be approved by such Inspector, and signed by such Occupier, or his Agent, and by such Inspector, shall be hung or fixed up, and during the Period specified in the Notice shall be kept fixed up, according to the Directions for other Notices in the said secondly recited Act, in such Factory; and during the Period specified in such Notice young Persons, and Females above the Age of Eighteen Years, may be employed in such Factory after Six of the Clock and not later than Seven of the Clock in the Evening of any Day, except *Saturday;* and during the Period specified in such Notice (save to recover lost Time as herein provided) no young Person, and no Female above the Age of

of Eighteen Years, shall be employed in such Factory before Seven of the Clock in the Morning of any Day, except *Saturday;* and the Provisions herein-before contained shall, as to every Day, except *Saturday*, during the Period specified in such Notice, take effect as if Seven of the Clock in the Morning and Seven of the Clock in the Evening were throughout substituted for Six of the Clock in the Morning and Six of the Clock in the Evening respectively.

Repeal of Provision in 7 & 8 Vict. c. 15. as to Children above Eleven Years of Age employed solely in winding and throwing of raw Silk;

and in lieu thereof Children above Eleven may be employed as young Persons.

VII. And whereas by the said secondly recited Act it was enacted, that any Child above Eleven Years of Age, employed solely in the winding and throwing of raw Silk, and who shall have obtained the Surgical Certificate required by this Act of his having completed his Eleventh Year, may work, without any Proof of having attended a School, for any Time not exceeding Ten Hours on any Working Day, but not after Half past Four of the Clock of the Afternoon of any *Saturday:* And whereas it is expedient that so much of the said recited Act should be repealed: Be it therefore enacted, That so much of the said Act as is herein-before recited shall be and the same is hereby repealed; and in lieu thereof it shall be lawful for any Child employed solely in the winding and throwing of raw Silk, who shall have obtained the Surgical Certificate required by the said secondly recited Act of his having completed his Eleventh Year, to be employed in all respects as young Persons may be employed under this Act.

Young Persons and Females employed during Meal Times, &c. to be held to be employed contrary to Acts.

VIII. And be it enacted, That every young Person, and every Female above the Age of Eighteen Years, who shall be employed in any Factory, or shall be allowed to remain in any Room where any manufacturing Process is then carried on in any Factory, during any Part of the Times which by the Notice then fixed up in such Factory in that Behalf are mentioned as the Times allowed for Meals, shall be deemed to be employed contrary to the Provisions of the said recited Acts as amended by this Act.

Recited Acts and this Act to be construed as One Act.

IX. And be it enacted, That the Three herein-before recited Acts as amended by this Act, and this Act, shall be construed together as One Act, and in all respects as if the Provisions herein-before contained had been contained in the secondly herein-before recited Act: Provided nevertheless, that nothing herein contained shall apply to any Offence committed under the said recited Acts before the passing of this Act, or to any Proceedings taken under any of the said Acts, and pending at the Time of the passing of this Act.

Act may be amended, &c.

X. And be it further enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

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ANNO DECIMO TERTIO & DECIMO QUARTO

VICTORIÆ REGINÆ.

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Election; subject nevertheless to the Power and Provision for the Re-election of any Alderman or Councillor in the said therein first-recited Act contained: And whereas Provision was made in the said recited Act for the Re-division of the Borough of *Dublin* into Wards: And whereas the said Re-division has been made and duly approved by the Lord Lieutenant and Privy Council of *Ireland* as by the said Act provided: And whereas the new Wards into which the said Borough has been divided do not correspond in Names, or in Extent or Boundaries, with the former Wards of the said Borough: And whereas it is doubtful which of the existing Aldermen of the said Borough is duly authorized under the Provisions of the said recited Act, and of the Act for the Regulation of Municipal Corporations in *Ireland*, to hold and preside at any Election to be held for each or any of the said new Wards on the Twenty-fifth Day of *November* in this Year: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the several Aldermen and Assessors of the said respective former Wards of the said Borough of *Dublin*, specified in the First Column of the Schedule to this Act annexed, shall in this present Year be the Persons to hold and preside at the Elections which shall take place on the said Twenty-fifth Day of *November* in this Year of Aldermen and Councillors, or to act thereat as Assessors respectively, for the said respective new Wards of the said Borough specified in the Second Column of the said Schedule in connexion with the Names of such respective former Wards specified in the said First Column thereof.

Aldermen and Assessors of the old Wards of the Borough of Dublin shall in this Year be the Persons to preside at the Elections of Aldermen, &c., and act as Assessors for those new Wards that are respectively specified in the Schedule.

II. And be it enacted, That in case any Vacancy shall occur or shall have occurred before the said Twenty-fifth Day of *November* in this Year in the Office of any Alderman, Councillor, or Assessor of any Ward mentioned in the First Column of the Schedule to this Act annexed, by Death or Resignation, or by reason of any of the Causes of Disqualification of an Alderman or Councillor mentioned in the Eighty-eighth Section of the said Act of the Third and Fourth Years of Her present Majesty's Reign, for the Regulation of Municipal Corporations in *Ireland*, (as such Section is numbered in the Copies of the said Act printed by the Queen's Printers,) such Vacancy shall be filled up and such new Election respectively had for such Ward, under the Provisions of the said Act of the Third and Fourth Years of Her present Majesty's Reign, as if the said Re-division of the City of *Dublin* into new Wards as aforesaid had not taken place, and as if the said recited Act of the last Session of Parliament had not been passed; but such Officers so elected shall go

Vacancy in the Office of Alderman or Councillor or Assessor of any old Ward before the 25th of November in this Year to be filled up under the 3 & 4 Vict. c. 108, as if the Re-division of the Borough into new Wards had not taken place.

go out of Office at the Time in that Behalf appointed as to such Office by the said Act of the last Session: Provided always, that if any such Vacancy has already taken place or shall take place before the passing of this Act, such Election shall be had as if such Vacancy had occurred on the Day of the passing of this Act: Provided also, that if any such Vacancy in the Office of Alderman shall occur on or within Six Days before the said Twenty-fifth Day of *November* in this Year, or in the Case of the Illness or Incapacity to act or the unavoidable Absence of such Alderman on the said last-mentioned Day, then a Councillor for the Ward, according to Seniority (and who shall not be disabled by Illness, Incapacity, or unavoidable Absence to act), or in the Case of a Vacancy in the Office of Assessor for a Ward on or within Six Days before the said Twenty-fifth Day of *November*, then such Person (being a Burgess of the Ward) as the Alderman and Councillors of the Ward, or a Majority of them, shall appoint to act in the Room of such Assessor for such Purpose, shall hold, preside, or act at the Election of Aldermen and Councillors to be held on the said Twenty-fifth Day of *November* in this Year, in the Room of and with like Powers as such Alderman or Assessor respectively, as the Case may be.

In case of Vacancy on that Day who to hold Elections.

III. And be it enacted, That the said recited Act of the last Session of Parliament, and the said herein-before mentioned Act for the Regulation of Municipal Corporations in *Ireland*, and any Act amending the same, and this Act, shall be construed together as One Act.

Recited Acts and this Act to be construed as One Act.

IV. And be it enacted, That the Schedule to this Act annexed shall be deemed and construed as Part of this Act.

Schedule Part of this Act.

V. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

Act may be amended, &c.

SCHE-

SCHEDULE to which the foregoing Act refers.

Former Wards.			New Wards.
Alderman of	Custom House Ward	to preside at Elections of	North Dock Ward.
—	Post Office Ward	- - -	North City Ward.
—	St. Paul's Ward	- - -	Arran Quay Ward.
—	Four Courts Ward	- - -	Inn's Quay Ward.
—	Linen Hall Ward	- - -	Rotundo Ward.
—	St. George's Ward	- - -	Mountjoy Ward.
—	St. James's Ward	- - -	Usher's Quay Ward.
—	St. Catherine's Ward	- - -	Merchant's Quay Ward.
—	St. Andrew's Ward	- - -	Wood Quay Ward.
—	St. Audeon's Ward	- - -	South City Ward.
—	Merrion Ward	- - -	South Dock Ward.
—	College Ward	- - -	Trinity Ward.
—	Castle Ward	- - -	Royal Exchange Ward.
—	St. Stephen's Ward	- - -	Mansion House Ward.
—	St. Patrick's Ward	- - -	Fitzwilliam Ward.

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ANNO DECIMO TERTIO & DECIMO QUARTO

VICTORIÆ REGINÆ.

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CAP. LVI.

An Act to continue the Act for exempting certain Bills of Exchange and Promissory Notes from the Operation of the Usury Laws.

[5th *August* 1850.]

WHEREAS an Act was passed in the Third Year of the Reign of Her Majesty, intituled *An Act to amend, and extend until the First Day of* January *One thousand eight hundred and forty-two, the Provisions of an Act of the First Year of Her present Majesty, for exempting certain Bills of Exchange and Promissory Notes from the Operation of the Laws relating to Usury*, which by sundry Acts has been since continued until the First Day of *January* in the Year One thousand eight hundred and fifty-one; and it is expedient that the same should be further continued: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Act shall be continued until the First Day of *January* in the Year One thousand eight hundred and fifty-six.

2 & 3 Vict c. 37.

Continuance of Act.

Act may be amended, &c.

II. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

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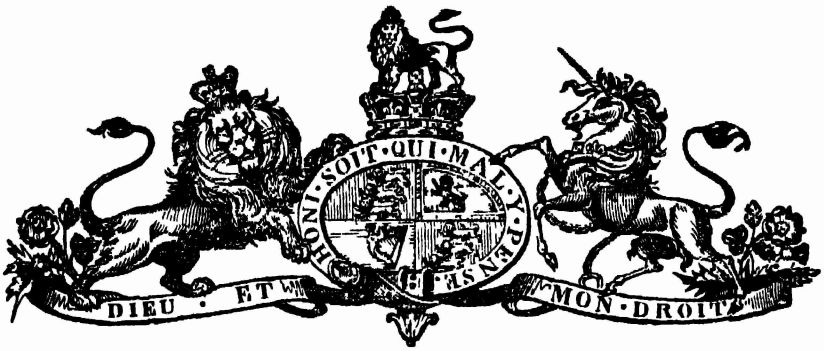

ANNO DECIMO TERTIO & DECIMO QUARTO

VICTORIÆ REGINÆ.

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direct, and shall be deposited with the Churchwardens or Overseers (where there are no Churchwardens) of any such Parish.

On Expiration of 12 Months from the publishing of any such Order, certain Meetings prohibited from being held in Churches and Chapels.

II. And be it enacted, That from and after the Expiration of Twelve Calendar Months from the making and publishing of any such Order no Meeting of the Inhabitants of the Parish for the Purpose of holding a Vestry, or for any other Purpose than that of Divine Worship, or some ecclesiastical or charitable Object, or some other Purpose approved by the Bishop of the Diocese, shall be holden in any Parish Church or Chapel, or other consecrated Church or Chapel, nor in the Chancel thereof, nor, except in case of Urgency, and with the previous Approval of the said Commissioners, in the Vestry Room attached to such Church or Chapel, in any Parish or Place named in such Order, any public or private Act of Parliament to the contrary notwithstanding.

Power to provide other Places of Meeting.

III. And be it enacted, That where any Vestry or other Meeting, by virtue of any Statute, Law, or Custom, has heretofore been holden in the Church or Chapel of any Parish or Place named in any such Order as aforesaid, or in the Vestry Room of such Church or Chapel, any such Vestry or other Meeting shall from and after the making and publishing of such Order be holden in such other Room or Place within the Parish or Place as shall be provided for the holding thereof in pursuance of the Provisions of this Act, and all Acts done in such other Room or Place as aforesaid shall be as good, valid, and effectual in the Law, to all Intents and Purposes whatsoever, as if such Vestry Meeting had been held in the Vestry Room of such Church or Chapel or in the Body of such Church or Chapel as aforesaid.

Power to purchase Lands, &c. under 8 & 9 Vict. c. 18.

IV. And be it enacted, That the Churchwardens and Overseers, or Overseers alone, as the Case may require, of any Parish, with the Sanction of the said Commissioners and of a Majority of the Vestry, may by Agreement hire any Room, or purchase or take upon Lease or exchange any Lands or Buildings, or sell Lands belonging to such Parish, and invest the Proceeds of such Sale in the Purchase of other Lands and Buildings, or erect suitable Buildings, for the Purpose of holding of any Vestry and other Meeting for the Transaction of any Business of or relating to the Parish; and the Lands Clauses Consolidation Act, 1845, except the Parts and Enactments of that Act with respect to the Purchase and taking of Lands otherwise than by Agreement, and with respect to the Recovery of Forfeitures, Penalties, and Costs, and with respect to Lands acquired by the Promoters of the Undertaking, but which shall not be wanted for the Purpose thereof, shall, in so far as the same

is consistent with this Act, be incorporated with this Act; and for the Purposes of this Act the Expressions "the Promoters of the Undertaking" or "the Secretary," whenever used in that Act, shall respectively mean the Churchwardens and Overseers, or Overseers as aforesaid; and the Expression "Tolls or Rates," whenever used in the said first-mentioned Act, shall mean Monies to be raised for the Relief of the Poor mentioned in this Act; and all Lands and Premises which shall be so purchased or taken on Lease by the Churchwardens and Overseers, or Overseers as aforesaid, of any Parish shall be conveyed, demised, and assured to such Churchwardens and Overseers, or Overseers alone as aforesaid, and their Successors, in trust for the Purposes of this Act, and shall be accepted, taken, and held by them as a Body Corporate, and the yearly Rent reserved by any Lease shall be chargeable upon and paid out of the Monies to be raised for the Relief of the Poor of any such Parish, and shall be paid by the Churchwardens and Overseers, or Overseers as aforesaid, of such Parish as such Rent becomes payable; and if at any Time any such Rent be not paid within Thirty Days after it so becomes payable, and after Demand thereof in Writing, the Person to whom any such Rent shall be payable may either recover the same from the said Churchwardens and Overseers, or Overseers as aforesaid, with Costs of Suit, by Action of Debt in any Court of Law, or may levy the same by Distress of the Goods and Chattels of any of the said Churchwardens and Overseers, or Overseers as aforesaid.

Poor Law Commissioners, on Receipt of a Resolution of the Vestry, authorized to require Money to be borrowed for the Purposes of the Act.

V. And be it enacted, That it shall be lawful for the Poor Law Commissioners, by an Order under their Hands and Seal, upon the Receipt of a Copy under the Hands of the said Churchwardens, or, where there are no Churchwardens, of the Overseers of any Parish, of a Resolution passed at a Vestry duly convened and held for the Purpose, after public Notice of the Time and Place and Purpose of holding such Vestry shall have been given in like Manner as Notices of Vestry Meetings are published and given, consenting to the Issue of such Order, to direct the Churchwardens and Overseers, or, where there are no Churchwardens, the Overseers, and such Churchwardens and Overseers, as the Case may be, are hereby required, if so directed by such Order and Resolution as aforesaid, to borrow any Sum of Money which may be required for the Purposes of this Act, and to charge the Poor Rates of the said Parish with the Repayment of the Sum borrowed for such Purpose and the Interest thereof, so nevertheless that the Sum so borrowed shall be repaid by equal annual Instalments not exceeding Ten.

Churchwardens, &c. within One

VI. And whereas in Parishes whereof the Population exceeds Two thousand Persons as aforesaid various Duties are by Law imposed

Month after Publication of Order, to convene a Meeting for electing a Vestry Clerk.

imposed upon and required to be performed by the Officers of Parishes, and much Business is transacted at Vestry Meetings, and the Parish Officers and Vestries require the Assistance of a Vestry Clerk in respect of such Duties and Business; and it is expedient that Provision should be made for regulating the Appointment and for the Payment of such Vestry Clerks: Be it therefore enacted, That the Churchwardens or other Persons to whom it belongs to convene Meetings of the Vestry in any such Parish shall, within the Space of One Calendar Month from and after the making and publishing of any Order of the Commissioners so applied for, if such Order extend to the Appointment of Vestry Clerk as aforesaid, and also, in case of any subsequent Vacancy in the Office of Vestry Clerk, within One Calendar Month next after such Vacancy, convene a Meeting of the Vestry of any Parish named in such Order, for the special Purpose of electing a Vestry Clerk, to perform such of the Duties hereinafter mentioned as shall be applicable to such Parish, in addition to those which are or may be imposed upon Vestry Clerks by any Act or Acts of Parliament; and public Notice of such Vestry, and the Place of holding the same, and the special Purpose thereof, shall be given, in the usual Manner in which Notice of the Meetings of the Vestry is now given, at least Seven Days before the Day to be appointed for holding such Vestry; and at such Meeting the Vestry shall proceed to elect some fit and competent Person to be Vestry Clerk, and the Person so elected shall not be removable from Office except by a Resolution passed at a Vestry to be called for that special Purpose in the Manner herein-before mentioned, and with the Consent of the said Commissioners for administering the Laws for the Relief of the Poor in *England*, or by an Order under the Seal of the said Commissioners.

Vestry Clerk elected at such Meeting not to be removable except by Resolution of Vestry and Consent of Poor Law Board, &c.

Duties of Vestry Clerk.

VII. And be it enacted, That it shall be the Duty of such Vestry Clerk, unless otherwise directed by the Poor Law Commissioners,

To give Notice of and attend the Meetings of Vestry and Committees appointed thereat:

To summon and attend Meetings of the Churchwardens and Overseers, when required, and to enter the Minutes thereof respectively:

To keep the Account of all Charity Monies which the Churchwardens or Overseers are authorized or are accustomed to distribute:

To keep the Vestry Books, and the Parish Deeds and Documents, and the Rate Books and Accounts which are closed, and to give Copies of and Extracts from the same to any Person entitled thereto, such Person paying for the same at the Rate of Fourpence for every Seventy-two Words or Figures, and to permit any

any Person or Persons rated to the Relief of the Poor of the said Parish, at all reasonable Times, to inspect the same or any of them, on pain of Dismissal for neglecting to give such Copies or permit such Inspection:

To make out, when required by the Vestry, the Church Rate, and procure the same to be signed and completed, and to retain the Custody thereof, and, where there is no Collector of Poor Rates or Assistant Overseer, to make out the Poor Rate, and procure the same to be allowed, and to make all the subsequent Entries in the Rate Books, and to give the Notices thereof required by Law:

To prepare and issue the necessary Process for recovering of Arrears of such Rates respectively before the Justices, and procure the Summons to be served, and to attend the Justices thereon, and advise the Churchwardens and Overseers as to the Recovery of such Arrears:

To keep and make out the Accounts of the Churchwardens, and to present such Accounts to the Vestry or other legal Authority, to be passed, and to examine the Church Rate Collectors Accounts and Returns of Arrears:

To assist the Overseers in making out their Accounts (whenever required by them), and, subject to the Rules and Regulations of the Commissioners for administering the Laws for the Relief of the Poor, to examine from Time to Time the Accounts of the Assistant Overseers or Collectors of Poor Rates, and their Returns of Arrears:

To attend the Audit of Accounts of the Overseers, and conduct all Correspondence arising therefrom:

To assist the Churchwardens or Overseers in preparing and making out all other Parochial Assessments and Accounts, and in examining the Accounts of the Collectors of such Assessments:

To ascertain and make out the List of Persons liable to serve on Juries, and to cause them to be printed and duly published, and returned to the Justices:

To give the Notices for Claims to vote for Members of Parliament, and to make out Lists of Voters, and get the same printed and published, and duly returned, according to Law, and to attend the Court for revising them, and to prepare, make out, and publish the Burgess Lists and the Lists of Constables:

To make all Returns required of the Churchwardens or of the Overseers by Law or proper Authority:

To advise the Churchwardens and Overseers in all the Duties of their Office; and also to perform such other Duties and Services of a like Nature as the said Commissioners for administering

tering the Laws for the Relief of the Poor in *England*, from Time to Time, at the Request of the Churchwardens or Overseers of any such Parish, or otherwise, shall prescribe and direct to be performed by such Vestry Clerk.

Salary of Vestry Clerk to be fixed by Poor Law Commissioners.

VIII. And be it enacted, That the Amount of Salary or other Remuneration to be paid to the Vestry Clerk, as well as the Days and Times on which and the Persons by whom the same shall be payable, shall be fixed by the said Commissioners, and altered from Time to Time as there shall be Occasion; and such Salary or Remuneration shall be chargeable upon and paid out of the Monies to be raised for the Relief of the Poor of any such Parish; and, where the said Commissioners shall deem requisite, such Vestry Clerk shall give such Security and to such Persons as the said Commissioners shall by their Order under Seal direct: Provided always, that where, under the Provisions of any local Act or Acts of Parliament, any Person or Persons shall be paid for the Performance of any of the Duties of Vestry Clerk, or for assisting in the Performance of any of the Duties of Churchwardens or Overseers of the Poor, nothing herein contained respecting the Duties of the Vestry Clerk shall apply to or be deemed to apply to the Performance of such Duties while the same are so performed, or while Payment shall be made for the Performance of them as aforesaid.

Churchwardens and Overseers not to be discharged from Performance of Duty.

IX. And be it enacted, That nothing herein contained shall exempt or discharge, or be construed to exempt or discharge, any Churchwarden or Overseer of the Poor from the Performance of any Duty required of him by Law, nor oblige him to avail himself of the Assistance of any Vestry Clerk to be appointed as aforesaid in the Performance of his Duties, unless he shall think fit so to do.

Interpretation of Terms.

X. And be it enacted, That in this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,) "Parish" shall mean every Place having separate Overseers of the Poor and maintaining its own Poor, and also every Parish or Place having a separate Ecclesiastical Jurisdiction, and in which a Vestry shall have been heretofore constituted and held for parochial as well as ecclesiastical Purposes, either separately or jointly with any other Parish; "Churchwarden" shall mean also Chapelwardens or other Persons discharging the Duties of Churchwardens in any Parish or Place as last aforesaid; "Vestry" shall mean the Inhabitants of the Parish lawfully assembled in Vestry, or for any of the Purposes for which Vestries are holden, except in those

those Parishes in which there is a Select Vestry elected under an Act passed in the Fifty-ninth Year of the Reign of King *George* the Third, intituled *An Act to amend the Laws for the Relief of the Poor*, or elected under an Act passed in the Second Year of the Reign of His late Majesty, intituled *An Act for the better Regulation of Vestries, and for the Appointment of Auditors of Accounts, in certain Parishes in* England *and* Wales, or elected under the Provisions of any local Act of Parliament for the Government of any Parish by Vestries, or under or by virtue of any prescriptive Custom or otherwise, in which Parishes it shall mean Select Vestry; "Lands" shall mean Lands, Tenements, and Hereditaments, of whatsoever Nature or Tenure; Words importing the Masculine Gender shall include the Feminine; Words of the Plural Number shall include the Singular; Words of the Singular Number shall include the Plural.

59 G. 3. c. 12.

1 & 2 W. 4. c. 60.

XI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

Act may be amended, &c.

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ANNO DECIMO TERTIO & DECIMO QUARTO

VICTORIÆ REGINÆ.

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Act may be amended, &c.

II. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

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His Heirs and Successors, were empowered to appoint in *Van Diemen's Land* a Legislative Council, to consist of such Persons resident in the said Colony, not exceeding Fifteen nor less than Ten, as His Majesty, His Heirs and Successors, should be pleased to nominate: And whereas the Provisions of the last-mentioned Act, so far as respects the Council of *Van Diemen's Land*, have been made permanent by the said Act of the Sixth Year of Her Majesty: And whereas by an Act passed in the Sixth Year of the Reign of Her Majesty, intituled *An Act to provide for the better Government of* South Australia, Her Majesty is empowered, in manner therein mentioned, to constitute within the said Colony of *South Australia* a Legislative Council, consisting of the Governor and Seven other Persons at the least: And whereas by an Act passed in the Tenth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to provide until the Thirty-first Day of* December *One thousand eight hundred and thirty-four for the Government of His Majesty's Settlements in* Western Australia *on the Western Coast of* New Holland, His said Majesty, His Heirs and Successors, with the Advice of His or their Privy Council, were empowered to make, ordain, and (subject to such Conditions and Restrictions as to him or them should seem meet) to authorize and empower any Three or more Persons resident and being within the said Settlements to make, ordain, and constitute, Laws, Institutions, and Ordinances for the Peace, Order, and good Government of His Majesty's Subjects and others within the said Settlements: And whereas the last-mentioned Act has been from Time to Time continued, and ultimately, by an Act of the Tenth Year of Her Majesty, was continued until the Thirty-first Day of *December* One thousand eight hundred and forty-eight, and to the End of the then next Session of Parliament: And whereas it is expedient that the District of *Port Phillip*, now Part of the Colony of *New South Wales*, should be erected into a separate Colony, and that further Provision should be made for the Government of Her Majesty's *Australian* Colonies: Be it enacted, therefore, by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That after such Provisions as herein-after mentioned shall have been made by the Governor and Council of *New South Wales*, and upon the issuing of the Writs for the first Election in pursuance thereof, as herein-after mentioned, the Territories now comprised within the said District of *Port Phillip*, including the Town of *Melbourne*, and bounded on the North and North-east by a straight Line drawn from *Cape How* to the nearest Source of the River *Murray*, and thence by the Course of that River to the Eastern Boundary of the Colony of *South Australia*, shall be separated from the

5 & 6 Vict. c. 61.

10 G. 4. c. 22.

9 & 10 Vict. c. 35.

District of Port Phillip to form a separate Colony, to be known as the Colony of Victoria.

the Colony of *New South Wales*, and shall cease to return Members to the Legislative Council of such Colony, and shall be erected into and thenceforth form a separate Colony, to be known and designated as the Colony of *Victoria*.

The Number of Legislative Council of New South Wales may be varied.

A separate Legislative Council for the Colony of Victoria.

II. And be it enacted, That the Number of Members of which, after such Separation as aforesaid, the Legislative Council of the Colony of *New South Wales* shall consist, shall, in manner hereinafter mentioned, be determined by the Governor and Council of *New South Wales;* and there shall be within and for the Colony of *Victoria* a separate Legislative Council, to consist of such Number of Members as shall in like Manner be determined by the said Governor and Council; and such Number of the Members of the Legislative Council of each of the said Colonies respectively as is equal to One Third Part of the whole Number of Members of such Council, or, if such whole Number be not exactly divisible by Three, One Third of the next greater Number which is divisible by Three, shall be appointed by Her Majesty, and the remaining Members of the Council of each of the said Colonies shall be elected by the Inhabitants of such Colony.

Governor and Council of New South Wales to establish Electoral Districts, &c.

III. And be it enacted, That after the Proclamation of this Act in the Colony of *New South Wales* it shall be lawful for the Governor and Legislative Council of such Colony, by an Act to be for that Purpose made and enacted in the Manner and subject to the Conditions now by Law required in respect of Acts made and enacted by the said Governor and Council, to determine the Number of Members of which, after such Separation as aforesaid of the said District of *Port Phillip* therefrom, the Legislative Council of the Colony of *New South Wales* shall consist, and also to determine the Number of Members of which the Legislative Council of the said Colony of *Victoria* shall consist, and also to make all necessary Provisions for dividing the Territories which after such Separation will be comprised within the Colony of *New South Wales* into convenient Electoral Districts, or for continuing such of the existing Electoral Districts as shall be deemed convenient, and for appointing and declaring the Number of Members of the Council of the Colony of *New South Wales* after such Separation to be elected for each such District, and for dividing the Territories to be comprised in the Colony of *Victoria* into convenient Electoral Districts, and for appointing and declaring the Number of Members of the Council of the Colony of *Victoria* to be elected for each such District, and for the Compilation and Revision of Lists of all Persons qualified to vote at the Elections to be holden within the several Districts of the said Colonies,

Colonies respectively, and for the appointing of Returning Officers, and for the issuing, executing, and returning of the necessary Writs for such Elections, and for taking the Poll thereat, and for determining the Validity of all disputed Returns, and otherwise for ensuring the orderly, effective, and impartial Conduct of such Elections; provided that the Writs to be issued for the first Election of Members of the Legislative Council of the Colony of *Victoria* shall be issued by the Governor of *New South Wales* or by such Person as Her Majesty for that Purpose, by Warrant under Her Royal Sign Manual, countersigned by One of Her Majesty's Principal Secretaries of State, shall appoint.

Qualification of Voters at Elections for Members of the Legislative Council.

IV. And be it enacted, That every Man of the Age of Twenty-one Years, being a natural-born or naturalized Subject of Her Majesty, or legally made a Denizen of *New South Wales*, and having a Freehold Estate in possession situate within the District for which his Vote is to be given, of the clear Value of One hundred Pounds Sterling Money above all Charges and Incumbrances in any way affecting the same, of or to which he has been seised or entitled, either at Law or in Equity, for at least Six Calendar Months next before the Date of the Writ of such Election, or in case a Registration of Electors shall be established next before the last Registration of Electors, or, being a Householder within such District, occupying a Dwelling House of the clear annual Value of Ten Pounds Sterling Money, and having resided therein Six Calendar Months next before such Writ or Registration as aforesaid, or holding at the Date of such Writ or at the Time of such Registration a Licence to Depasture Lands within the District for which his Vote is to be given from the Government of *New South Wales*, or having a Leasehold Estate in possession situate within such District of the Value of Ten Pounds Sterling Money *per Annum*, held upon a Lease which at the Date of such Writ or at the Time of Registration has not less than Three Years to run, shall be entitled to vote at the Election of a Member of the Legislative Council: Provided always, that no Man shall be entitled to vote who has been attainted or convicted of Treason, Felony, or other infamous Offence in any Part of Her Majesty's Dominions, unless he have received a free Pardon or one conditional on not leaving the Colony for such Offence, or have undergone the Sentence passed on him for such Offence; and provided also, that no Man shall be entitled to vote unless at the Time of such Election or Registration of Electors (as the Case may be) he shall have paid up all Rates and Taxes which shall have become payable by him as Owner or Leaseholder in respect of such Estate, or as Occupier in respect of such Occupancy, or as the Holder of a Licence in respect of such Licence,

Licence, except such as shall have become payable during Three Calendar Months next before such Election or Registration respectively.

V. And be it enacted, That upon the issuing of such Writs for the first Election of Members of the Legislative Council of the said Colony of *Victoria* such Colony shall be deemed to be established, and the Legislative Authority of the Governor and Council of *New South Wales*, and the Powers of such Governor, over and in respect of the Territories comprised in the said Colony of *Victoria* and the Revenues thereof, shall cease.

Authority of the Governor and Council of New South Wales over Colony of Victoria to cease.

VI. And be it enacted, That, subject to the Provisions herein contained, the Provisions of the said firstly-recited Act of the Sixth Year of the Reign of Her Majesty, as explained and amended by the said Acts of the Eighth Year of Her Majesty, shall remain applicable to the said Colony of *New South Wales* after such Separation as aforesaid, and to the Governor and Legislative Council thereof.

Provisions of Three first-recited Acts to remain applicable to New South Wales after Separation of Colony of Victoria.

VII. And be it enacted, That it shall be lawful for the Legislatures now by Law established within the Colonies of *Van Diemen's Land* and *South Australia* respectively, by Laws or Ordinances to be for that Purpose made and enacted in the Manner and subject to the Conditions now by Law required in respect of Laws or Ordinances made by such Legislatures, to establish within the said Colonies of *Van Diemen's Land* and *South Australia* respectively a Legislative Council, to consist of such Number of Members, not exceeding Twenty-four, as they shall think fit; and that such Number of the Members of each Council so to be established as is equal to One Third Part of the whole Number of Members of such Council, or if such whole Number be not exactly divisible by Three such Number as is next greater than One Third of the whole Number, shall be appointed by Her Majesty, and the remaining Members of such Council shall be elected by the Inhabitants of the Colony in which such Council shall be established; and it shall be lawful for such Legislatures respectively, by such Laws or Ordinances as aforesaid, to make all necessary Provisions for dividing the said Colony of *Van Diemen's Land* and the said Colony of *South Australia* into convenient Electoral Districts, and for appointing and declaring the Number of Members of Council to be elected for each such District, and for the Compilation and Revision of Lists of all Persons qualified to vote at the Elections to be holden within such Districts, and for the appointing of Returning Officers, and for the issuing, executing, and returning of the necessary Writs for such Elections, and for taking the

Legislative Councils may be established in Van Diemen's Land and South Australia.

the Poll thereat, and for determining the Validity of all disputed Returns, and otherwise for ensuring the orderly, effective, and impartial Conduct of such Elections.

Present Councils in Van Diemen's Land and South Australia to cease on the Issue of the first Writs for the new Councils.

VIII. And be it enacted, That immediately after the Issue of the Writs for the first Election of Members of a Legislative Council for *Van Diemen's Land* established by Law or Ordinance under the Powers herein contained, such of the Provisions of the Acts herein recited or referred to, or any of them, as relate to the Constitution, Appointment, and Powers of a Council in *Van Diemen's Land*, shall be repealed; and immediately after the Issue of the Writs for the first Election of Members of a Legislative Council for *South Australia* established by Law or Ordinance under the Powers herein contained, such of the Provisions of the secondly herein recited Act of the Sixth Year of the Reign of Her present Majesty as relate to the Constitution, Appointment, and Powers of a Council in *South Australia* shall be repealed.

A Legislative Council may be established in Western Australia.

IX. And be it enacted, That upon the Presentation of a Petition signed by not less than One Third in Number of the Householders within the Colony of *Western Australia*, praying that a Legislative Council according to the Provisions of this Act be established within such Colony, and that Provision be made for charging upon the Revenues of such Colony all such Part of the Expenses of the Civil Establishment thereof as may have been previously defrayed by Parliamentary Grants, it shall be lawful for the Persons authorized and empowered to make, ordain, and establish Laws and Ordinances for the Government of the said Colony, by any Law or Ordinance to be made for that Purpose, subject to the Conditions and Restrictions to which Laws or Ordinances made by such Persons are now subject, to establish a Legislative Council within such Colony, to consist of such Number of Members as they shall think fit, and such Number of the Members of such Council as is equal to One Third Part of the whole Number of Members of such Council, or if such Number be not exactly divisible by Three, One Third of the next greater Number which is divisible by Three, shall be appointed by Her Majesty, and the remaining Members of the Council shall be elected by the Inhabitants of the said Colony; and it shall be lawful for such Persons as aforesaid, by such Law or Ordinance as aforesaid, to make all necessary Provisions for dividing *Western Australia* into convenient Electoral Districts and for appointing and declaring the Number of Members of Council to be elected for each such District, and for the Compilation and Revision of Lists of all Persons qualified to vote at the Elections to be holden within such Districts, and for the appointing of Returning Officers, and for the issuing,

issuing, executing, and returning of the necessary Writs for such Elections, and for taking the Poll thereat, and for determining the Validity of all disputed Returns, and otherwise ensuring the orderly, effective, and impartial Conduct of such Elections; provided that no Law or Ordinance establishing such Legislative Council within the said Colony of *Western Australia* shall have any Force or Effect unless Provision be thereby made for permanently granting to Her Majesty, Her Heirs and Successors, out of the Revenues of the said Colony, towards defraying such of the Expenses of the Establishments of the said Colony as may have been previously defrayed in whole or in part by Parliamentary Grants, a yearly Sum not less in Amount than the Sum which may have been lastly before the making of such Law or Ordinance authorized by Parliament to be issued and applied out of the Aids or Supplies granted by Parliament to defray the Charge for One Year of the said Colony, and for raising the yearly Sum so granted by means of sufficient Taxes, Duties, Rates, or Imposts to be levied on Her Majesty's Subjects within such Colony.

Provisions of 10 G. 4. c. 22. to continue in force till the Issue of the first Writs for the Council in Western Australia.

X. And be it enacted, That the said recited Act of the Tenth Year of the Reign of King *George* the Fourth shall be revived and continue in force until the Issue of the Writs for the first Election of Members of the Legislative Council of the said Colony of *Western Australia*, and from and after the issuing of such Writs such Act shall be repealed; and all Laws, Institutions, and Ordinances made, ordained, and established, and all other Acts done, in the said Colony of *Western Australia*, by the Persons authorized and empowered, or who if the said recited Act had not expired would have been authorized and empowered, in that Behalf, shall be and be deemed to have been as valid and effectual as if this Act had passed before the Expiration of the said recited Act.

Power to alter Electoral Districts, and Number of Members, &c.

XI. And be it enacted, That it shall be lawful for the Governor and Legislative Council of the Colony of *New South Wales*, after the Separation of the Colony of *Victoria* therefrom, and also for the Governors and Legislative Councils of the said Colonies of *Victoria*, *Van Diemen's Land*, *South Australia*, and *Western Australia* respectively, after the Establishment of Legislative Councils therein under this Act, from Time to Time by any Act or Acts to establish new Electoral Districts in any Parts of the said Colonies respectively, and to alter the Divisions and Extent of the Electoral Districts of the said Colonies, and to alter and appoint the Number of Members of Council to be chosen by the said Districts, and to increase the whole Number of Members of such Legislative Councils respectively, and to alter and regulate the Appointment of Returning Officers, and make Provision in such Manner as they may deem

expedient

expedient for the Issue and Return of Writs for the Election of Members to serve in such Legislative Councils respectively, and the Time and Place for holding such Elections: Provided always, that where the whole Number of Members of Council shall be increased such Number of the additional Councillors as is equal to One Third Part of the whole Increase, or if such whole Increase shall not be exactly divisible by Three such Number as is next greater than One Third of the whole Increase, shall be appointed by Her Majesty, and the remaining additional Members of Council shall be elected by the Inhabitants of the Colony.

Certain Provisions of 5 & 6 Vict. c. 76. and 7 & 8 Vict. c. 74. to apply to Victoria, Van Diemen's Land, South Australia, and Western Australia.

XII. And be it enacted, That all the Provisions herein contained concerning the Qualification and Disqualification of Electors in *New South Wales*, and subject to the Provisions herein contained, all the Provisions of the said firstly-recited Act of the Sixth Year of the Reign of Her Majesty, as explained and amended by the said secondly-recited Act of the Eighth Year of Her Majesty, concerning the Election of the elective Members of the Legislative Council of *New South Wales*; the Qualification and Disqualification of elective Members; the Appointment of the non-elective Members of such Council, and the Tenure of their Seats, and their holding of Offices; the Resignation of Members of such Council, and the Causes by which their Seats may be vacated; the Authority of the Governor upon and in respect of Vacancies; the Hearing and Determination of Questions respecting Vacancies; the Places and Times of holding such Council; the Duration, Prorogation, and Dissolution thereof; the Election, Allowance, and Disallowance of the Speaker; the Number or Portion of Members competent to the Despatch of Business; the Decision of Questions; the Oath or Affirmation to be taken or made and subscribed, and the Declaration of Qualification to be made, by Members; the Preparation, Adoption, Approval, and Confirmation or Disallowance of Standing Rules and Orders; the Issue of Writs for Elections upon Vacancies and upon a Dissolution or other Determination of such Council; the Proposal of Drafts of Laws and Amendments to such Council; the giving and withholding of Her Majesty's Assent to Bills, and the Reservation of Bills for the Signification of Her Majesty's Pleasure thereon, and the Bills so reserved; the Instructions to be conveyed to the Governor for his Guidance in relation to the Matters aforesaid; and the Disallowance of Bills by Her Majesty, shall apply to and be in force in the Colony of *Victoria*, and in each of the said Colonies of *Van Diemen's Land*, *South Australia*, and *Western Australia*, in which a Legislative Council shall be established under this Act, as if all such Provisions were here repeated, the Name of such respective Colony being substituted for the Name of the Colony of *New South Wales*.

XIII. Pro-

XIII. Provided always, and be it enacted, That so much of the said firstly-recited Act of the Sixth Year of the Reign of Her Majesty as requires that all Bills altering the Salaries of the Judges, or any of them, shall in every Case be reserved for the Signification of Her Majesty's Pleasure thereon, shall not apply to or be in force in the Colonies of *Victoria*, *Van Diemen's Land*, *South Australia*, and *Western Australia*, or any of them, and after the Establishment of the said Colony of *Victoria* shall be repealed.

Repeal of so much of 5 & 6 Vict. c. 76. as requires all Bills altering Judges Salaries to be reserved.

XIV. And be it enacted, That the Governors of the said Colonies of *Victoria*, *Van Diemen's Land*, *South Australia*, and *Western Australia* respectively, with the Advice and Consent of the Legislative Councils to be established in the said Colonies under this Act, shall have Authority to make Laws for the Peace, Welfare, and good Government of the said Colonies respectively, and, with the Deductions and subject to the Provisions herein contained, by such Laws to appropriate to the public Service within the said Colonies respectively the whole of Her Majesty's Revenue within such Colonies arising from Taxes, Duties, Rates, and Imposts levied on Her Majesty's Subjects within such Colonies: Provided always, that no such Law shall be repugnant to the Law of *England*, or interfere in any Manner with the Sale or other Appropriation of the Lands belonging to the Crown within any of the said Colonies, or with the Revenue thence arising; and that it shall not be lawful for any such Council to pass, or for any such Governor to assent to, any Bill appropriating to the public Service any Sums or Sum of Money, unless the Governor on Her Majesty's Behalf shall first have recommended to the Council to make Provision for the specific public Service towards which such Money is to be appropriated; and that no Part of Her Majesty's Revenue in any of the said Colonies arising from the Sources aforesaid shall be issued, or shall be made by any such Law issuable, except in pursuance of Warrants under the Hand of the Governor of the Colony, directed to the public Treasurer thereof.

Governors and Legislative Councils of Victoria, Van Diemen's Land, South Australia, and Western Australia authorized to make Laws.

Appropriation of Taxes and Issue of public Money.

XV. And be it enacted, That the Revenues of the said Colonies of *Victoria*, *Van Diemen's Land*, *South Australia*, and *Western Australia* respectively shall be permanently charged with all the Costs, Charges, and Expenses incident to the Collection, Management, and Receipt thereof, such Costs, Charges, and Expenses of Duties of Import and Export to be regulated and audited in such Manner as shall be directed by the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, and all such Costs, Charges, and Expenses of other Branches of the said Revenue which are subject to be appropriated by the Governors and Councils of such Colonies being subject to be regulated and audited in

Revenues to be charged with Expenses of Collection and Management.

in such Manner as shall be directed by Laws of such Governors and Councils.

Provisions of 5 & 6 Vict. c. 76. concerning Grants for Civil and Judicial Services repealed.

XVI. And be it enacted, That after the Establishment of the said Colony of *Victoria* so much of the said firstly-recited Act of the Sixth Year of the Reign of Her Majesty as makes payable to Her Majesty, Her Heirs and Successors, out of the Revenue Fund of the said Colony of *New South Wales*, the Sums therein mentioned for defraying the Expenses of the Services and Purposes named in the Schedules to the said Act, and the Provisions concerning the Appropriation of such Sums, shall be repealed.

Grants for Civil and Judicial Services.

XVII. And be it enacted, That there shall be payable to Her Majesty, every Year, out of the Revenue Funds arising from Taxes, Duties, Rates, and Imposts levied within the said Colony of *New South Wales* after the Establishment of the Colony of *Victoria*, the several Sums mentioned in the Schedule (A.) to this Act; and out of the like Revenue Fund levied within the said Colony of *Victoria* after the Establishment thereof, the several Sums mentioned in the Schedule (B.) to this Act; and out of the like Revenue Fund levied within the Colony of *Van Diemen's Land* after the Establishment of a Legislative Council therein under this Act, the several Sums mentioned in the Schedule (C.) to this Act; and out of the like Revenue Fund levied within the Colony of *South Australia* after the Establishment of a Legislative Council therein under this Act, the several Sums mentioned in the Schedule (D.) to this Act; such several Payments to be made for defraying the Expenses of the Services and Purposes mentioned in the said Schedules respectively, and the said several Sums to be issued by the Treasurers of the said Colonies respectively in discharge of such Warrants as shall be from Time to Time directed to them under the Hands and Seals of the Governors of such Colonies; and the said Treasurers shall account to Her Majesty for the same through the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, in such Manner and Form as Her Majesty shall be graciously pleased to direct.

How the Appropriation of Sums granted may be varied.

XVIII. And be it enacted, That it shall be lawful for the Governors and Legislative Councils of the said Colonies of *New South Wales*, *Victoria*, *Van Diemen's Land*, and *South Australia* respectively, by any Act or Acts, to alter all or any of the Sums mentioned in the said Schedules respectively, and the Appropriation of such Sums to the Services and Purposes therein mentioned, but every Bill which shall be passed by the Council in any of the said Colonies altering the Salary of the Governor, or altering the Sums mentioned in the Third Part of any of the said Schedules (A.), (B.), and (C.), shall be

be reserved for the Signification of Her Majesty's Pleasure thereon, and until and subject to such Alteration by Act or Acts as aforesaid the Salaries of the Governors and Judges shall be those respectively set against their several Offices in the First Parts of the said several Schedules; and Accounts in Detail of the Expenditure of the several Sums for the Time being appropriated under this Act, or such Act or Acts as aforesaid of the Governor and Legislative Council, to the several Services and Purposes mentioned in the said Schedules, shall be laid before the Legislative Councils of such Colonies respectively within Thirty Days next after the Beginning of the Session after such Expenditure shall have been made: Provided always, that it shall not be lawful for the Governor and Legislative Council of any of the said Colonies, by any such Act as aforesaid, to make any Diminution in the Salary of any Judge to take effect during the Continuance in Office of any Person being such Judge at the Time of the passing of such Act; and provided also, that it shall be lawful for the Governors of the said Colonies respectively (either before or after such Sums have been altered by Act or Acts of the Governor and Legislative Council as aforesaid) to alter from Time to Time the Sums appropriated to any of the Services and Purposes mentioned in the First Parts of the said Schedules, except the Salaries of the Governors and Judges, and also the Sums appropriated to any of the Services and Purposes mentioned in the Second Parts of the said Schedules, but such Governors respectively shall not by such Alteration increase the total Amount for the Time being appropriated under this Act, or such Act or Acts of the Governor and Legislative Council, to the Services and Purposes mentioned in either of such Parts of the said Schedules, nor contravene any Provision made by Act or Acts of the Governor and Legislative Council for the permanent Appropriation of any Sum to any of such Services and Purposes.

Governors to intimate intended Appropriation.

XIX. And be it enacted, That within Thirty Days after the beginning of the first Session in each Year of the Legislative Councils of the said Colonies of *New South Wales*, *Victoria*, *Van Diemen's Land*, and *South Australia*, the Governors of such Colonies respectively shall make known by Message to such Legislative Councils the Amount of the Sums intended to be appropriated out of the Sums applicable thereto to the several Services and Purposes named in the Second Parts of the said several Schedules for the Service of the Year then next ensuing.

5 & 6 Vict. c. 76. s. 41.

XX. And whereas by the said firstly-recited Act of the Sixth Year of Her Majesty it was enacted, that it should be lawful for the Governor, by Letters Patent under the Great Seal of the Colony of *New*

New South Wales, to incorporate the Inhabitants of every County within the said Colony, or of such Parts of Counties or other Divisions as to him should seem fit, to form Districts for the Purposes of that Act, and by such Letters Patent to establish a Council in every such District for the local Government thereof, subject to certain Provisions in the same Act contained: Be it enacted, That where under any Letters Patent issued under the Provision lastly herein-before recited there has not been before the Proclamation of this Act in the said Colony of *New South Wales* any Election of Councillors for the District formed by such Letters Patent, such Letters Patent shall from and after such Proclamation be void; and where before such Proclamation there has been an Election of Councillors for the District formed by any such Letters Patent, it shall be lawful for the Governor of the said Colony of *New South Wales*, and after the Establishment of the Colony of *Victoria* in the Case of a District within the Territories comprised in such Colony, for the Governor of such Colony, upon the Petition of the Council in such District, or if there be no such Council existing, then, upon the Petition of the inhabitant Householders of such District, by Letters Patent under the Great Seal of the said Colony of *New South Wales* or of the said Colony of *Victoria* (as the Case may require), wholly to revoke the Letters Patent forming such District; and it shall be lawful for the Governor of the said Colony of *New South Wales* or of the said Colony of *Victoria* (as the Case may require), upon the Petition of the inhabitant Householders of any District heretofore formed by any such Letters Patent as aforesaid which shall become void or be revoked under this Act, or of any County, Part of a County, or other Division comprised in any such District, or in more than One such District, or of any other County, Part of a County, or other Division not comprised in any District formed by any such Letters Patent as aforesaid which shall continue in force, or by any Letters Patent to be issued as herein-after mentioned, by Letters Patent under the Great Seal of the said Colony of *New South Wales* or of the said Colony of *Victoria* (as the Case may require) to incorporate the Inhabitants of such District or of such County, Part of a County, or other Division to form a District for the Purposes of the said firstly-recited Act of the Sixth Year of Her Majesty, and of this Act, and by such Letters Patent to establish a Council in every such District for the local Government thereof; provided always, that Notice of every such Petition for the Grant of such Letters Patent for forming a District and establishing a Council therein, and of the Time when the Governor intends to take the same into consideration, shall be published by Proclamation One Month at least before the Consideration of such Petition; and the Provisions of the said firstly-recited Act of the Sixth Year of Her Majesty, concerning the Provisions to be

Certain Charters establishing District Councils avoided, and certain others authorized to be revoked on Petition.

Governors of New South Wales and Victoria may grant Charters on Petition, but not otherwise.

be contained in Letters Patent issued under that Act for forming Districts and establishing a Council in every such District, shall extend and be applicable to all Letters Patent issued under this Act for forming Districts and establishing District Councils as if such Provisions of the said Act were here repeated, the Name of the Colony of *Victoria*, where the Case may require, being substituted for the Name of the Colony of *New South Wales*; and, save as herein provided, it shall not be lawful for the Governor of the said Colony of *New South Wales* to form Districts and establish Councils in such Districts as by the lastly herein-before recited Enactment authorized or required.

Provision of 6 Vict. c. 76. as to forming Districts, &c. extended to Van Diemen's Land, South Australia, and Western Australia, after Establishment of Legislative Councils.

XXI. And be it enacted, That the Provision of the said firstly-recited Act of the Sixth Year of Her Majesty as amended by this Act, authorizing the Governor of the said Colony of *New South Wales*, upon such Petition as herein mentioned, to form Districts, and establish a Council in every such District, shall apply to and be in force in each of the said Colonies of *Van Diemen's Land*, *South Australia*, and *Western Australia*, in which a Legislative Council shall be established under this Act, as if such Provision were here repeated, the Name of such respective Colony being substituted for the Name of the Colony of *New South Wales*.

Provisions of 5 & 6 Vict. c. 76. concerning District Councils, &c. extended to District Councils established under this Act.

XXII. And be it enacted, That all the Provisions of the said firstly-recited Act of the Sixth Year of Her Majesty, concerning the Authority of District Councils to make Bye Laws, the Transmission of a Copy of every such Bye Law to the Governor of the Colony, the Disallowance and the Time of coming into effect of such Bye Law, the Authority of the Governor to specify the Metes and Bounds of Districts, the Number of Councillors for every District, and the Time and Manner of their Election, to fix the Qualification of the Councillors, to nominate the Councillors who shall form the First Councils in every District, to appoint the Order and Manner of their going out of Office, to fix Penalties for qualified Persons refusing to take Office in the Council, and to make all other necessary Provisions for establishing District Councils, for defining their Powers, and enabling them to exercise their Functions, and the Authority of the Governor in every Case of Vacancy of the Office of District Councillor, if a new Election be not made within the Time in the same Act mentioned, to nominate a Person to fill the Vacancy, shall extend and be applicable to all Letters Patent issued under this Act for forming Districts and establishing District Councils, and to such Districts and District Councils, as if all such Provisions were here repeated, the Name of the Colony in which such District is formed being (where

the Case may require) substituted for the Name of the Colony of *New South Wales.*

Certain Provision of 5 & 6 Vict. c. 76. requiring Half the Expense of the Police Establishment to be borne by the several Districts, repealed.

XXIII. And whereas by the said firstly-recited Act of the Sixth Year of the Reign of Her Majesty it was enacted, that one Half of the Expense of the Police Establishment of the said Colony of *New South Wales* (exclusive of the Convict Establishment) should be defrayed out of the general Revenue arising from Taxes, Duties, Rates, and Imposts within the said Colony, and the other Half should be defrayed by Assessment upon the several Districts of the Colony, in such Proportions as should be from Time to Time fixed by the Governor and Legislative Council: Be it enacted, That so much of the Provision lastly herein-before recited as requires that Half of the Expense of such Police Establishment as aforesaid shall be defrayed by Assessment upon the several Districts of the Colony shall be repealed.

Governors and Legislative Councils may regulate Tolls and Rates in Districts, alter Constitution and Duties of District Councils, and Number and Boundaries of Districts.

XXIV. And be it enacted, That, notwithstanding any Letters Patent issued under the said firstly-recited Act of the Sixth Year of the Reign of Her Majesty, or to be issued under this Act, or anything in either of such Acts contained, it shall be lawful for the Governors and Councils of the said Colonies of *New South Wales*, *Victoria*, *Van Diemen's Land*, *South Australia*, and *Western Australia* respectively by any Act or Acts to make such Regulations and Provisions for or concerning the raising, assessing, and levying of Tolls, Rates, and Assessments within or on or in respect of any public Works or any Property within Districts formed in such Colonies respectively under the said Act or this Act, and the Appropriation of such Tolls, Rates, and Assessments, and to make such Alterations and Provisions in and concerning the Constitution, Duties, and Powers of District Councils, and such Alterations in the Number and Boundaries of Districts, and such Provisions for establishing District Councils in new or altered Districts, as to such respective Governors and Councils may seem meet.

Existing Laws to remain in force.

XXV. And be it enacted, That all Laws and Ordinances made under the Provisions hereby repealed or otherwise, and which shall be in force in the Territories comprised in the said Colony of *Victoria*, and in the said Colonies of *Van Diemen's Land*, *South Australia*, and *Western Australia* respectively, at the Time of the Issue of the Writs for the first Election of Legislative Councils in the said Colonies respectively under this Act, so far as the same are consistent with the Provisions of this Act, shall continue in force in the said Colonies respectively, subject, as to such Laws or Ordinances

as

as would then have remained subject to be disallowed by Her Majesty, to the Authority of Her Majesty to disallow the same within the Time within which such Disallowance might have been signified in case this Act had not been passed, and subject to the Power of the Governors and Legislative Councils of the said respective Colonies, in the Manner and subject to the Rules and Restrictions herein prescribed, to repeal or vary such Laws or Ordinances; and where under any Law which shall be in force at the Time aforesaid in the Territories to be comprised in the Colony of *Victoria* any Powers are vested in or may be delegated to the Governor of *New South Wales*, the same, so far as respects all Territories to be comprised within the Colony of *Victoria*, and so far as the same are consistent with the Provisions of this Act, shall thenceforth be vested in and may be delegated to the Governor of the said Colony of *Victoria*.

Removing Doubts as to certain Taxes imposed by Governor and Council of Van Diemen's Land.

XXVI. And be it enacted, That so much of the said Act of the Ninth Year of the Reign of King *George* the Fourth as requires that the Purposes for which every such Tax or Duty as therein mentioned may be imposed, and to or towards which the Amount thereof is to be appropriated and applied, shall be distinctly and plainly stated in the Body of every Law or Ordinance imposing every such Tax or Duty, shall be repealed; and no such Law or Ordinance made or to be made by the Governor and Council of *Van Diemen's Land*, and enrolled and recorded in the Supreme Court of the said Colony, shall be or deemed to have been invalid by reason of such Purposes not being so stated in the Body of such Law or Ordinance.

Customs Duties may be imposed on any Goods.

XXVII. And be it enacted, That, subject to the Provisions of this Act, and notwithstanding any Act or Acts of Parliament now in force to the contrary, it shall be lawful for the Governor and Legislative Council of the Colony of *New South Wales*, and after the Establishment of Legislative Councils therein respectively under this Act for the respective Governors and Legislative Councils of the Colonies of *Victoria*, *Van Diemen's Land*, *South Australia*, and *Western Australia*, to impose and levy such Duties of Customs as to such respective Governors and Councils may seem fit on the Importation into such respective Colonies of any Goods, Wares, and Merchandize whatsoever, whether the Produce or Manufacture of or imported from the United Kingdom, or any of the Colonies or Dependencies of the United Kingdom, or any Foreign Country: Provided always, that no new Duty shall be so imposed upon the Importation into any of the said Colonies of any Article the Produce or Manufacture of or imported from any particular Country or Place which shall not be equally

equally imposed on the Importation into the same Colony of the like Article the Produce or Manufacture of or imported from all other Countries and Places whatsoever.

A Supreme Court may be erected in the Colony of Victoria.

XXVIII. And whereas under an Act of the Governor and Council of *New South Wales* passed in the Fourth Year of the Reign of Her Majesty, intituled *An Act to provide for the more effectual Administration of Justice in* New South Wales *and its Dependencies*, the Number of the Judges of the Supreme Court of *New South Wales* constituted under the said Act of the Ninth Year of King *George* the Fourth has been increased to Five, and One of such Judges is resident, and has such Power, Jurisdiction, and Authority within the District of *Port Phillip*, subject to such Appeal to the said Supreme Court, as by the said Act of the Governor and Council of *New South Wales* is provided: Be it enacted, That it shall be lawful for Her Majesty, by Letters Patent under the Great Seal of the United Kingdom of *Great Britain* and *Ireland*, to erect and appoint a Court of Judicature in the said Colony of *Victoria*, which shall be styled "The Supreme Court of the Colony of *Victoria*;" and such Court shall be holden by One or more Judge or Judges, and shall have such ministerial and other Officers as shall be necessary for the Administration of Justice in the said Court, and for the Execution of the Judgments, Decrees, Orders, and Process thereof; and all the Provisions of the said Act of the Ninth Year of the Reign of King *George* the Fourth, concerning the Appointment and Removal of Judges and Officers of the Supreme Court of *New South Wales*, and for appointing Persons to act in the Place and Stead of Judges being absent, resigning, dying, or becoming incapable to act, and concerning Appeals to Her Majesty in Council from Judgments, Decrees, Orders, or Sentences of such Court, shall apply to the said Supreme Court to be erected in the said Colony of *Victoria*, but so that the Powers of the Governor of *New South Wales* in relation to the Matters aforesaid shall be vested in the Governor of the Colony of *Victoria*; and from such Time as shall be mentioned in such Letters Patent all the Authorities, Powers, and Jurisdiction of the Supreme Court of *New South Wales*, and of any Judge thereof, over or to be exercised within or in relation to the said Colony of *Victoria*, including all Admiralty Jurisdiction exercisable within the Limits thereof, shall cease to be had and exercised by such last-mentioned Supreme Court and Judge respectively, and shall thenceforth be vested in and exercisable by the Supreme Court erected by such Letters Patent; provided that in the meantime the said Authorities, Powers, and Jurisdiction of the said Supreme Court of *New South Wales* and of the Judges thereof, within and in respect of the said Colony

Colony of *Victoria* shall remain as if this Act had not been passed, unless or until the same shall be varied by Act of the Governor and Council of the said Colony of *Victoria*.

Legislatures of New South Wales, Van Diemen's Land, and Victoria empowered to make further Provisions for the Administration of Justice.

XXIX. And be it enacted, That it shall be lawful for the Governors and Councils of the said Colonies of *New South Wales*, *Van Diemen's Land*, and *Victoria* respectively, from Time to Time, by any Act or Acts, to make such Provision as to them may seem meet for the better Administration of Justice, and for defining the Constitution of the Courts of Law and Equity and of Juries, within the said Colonies respectively, or within any present or future Dependencies thereof respectively, anything in the said Act of the Ninth Year of King *George* the Fourth, or in this Act, or in any Charter of Justice or Order in Council made or issued in pursuance thereof respectively, or in any Law, Statute, or Usage, to the contrary thereof notwithstanding.

Boundaries of New South Wales and Victoria may be altered by Order in Council.

XXX. And be it enacted, That in case at any Time hereafter the Legislative Councils of the said Colonies of *New South Wales* and *Victoria*, or the Legislative Council of one of the said Colonies, shall petition Her Majesty to alter the Boundaries of the said Colonies of *New South Wales* and *Victoria*, so as to transfer to one of such Colonies a Portion of the Territories which, after the Separation authorized by this Act, shall be comprised in the other of them, it shall be lawful for Her Majesty, if She shall think fit, by any Order to be made with the Advice of Her Privy Council, to alter such Boundaries in pursuance of the Prayer of such Petitions or Petition, or in such varied Manner as Her Majesty with such Advice shall think fit: Provided always, that unless the Councils of both the said Colonies shall petition for an Alteration of such Boundaries, Notice of the Petition, and of the Intention of Her Majesty to order the same to be taken into consideration by Her Privy Council, shall be given in such Manner as Her Majesty shall direct to the Legislative Council which shall not have petitioned, Six Months at least before such Petition shall be so considered.

Duties not to be levied on Supplies for Troops; nor any Duties, &c. inconsistent with Treaties.

XXXI. Provided also, and be it enacted, That it shall not be lawful for the Legislatures of any of the said Colonies to levy any Duty upon Articles imported for the Supply of Her Majesty's Land or Sea Forces, nor to levy any Duty, impose any Prohibition or Restriction, or grant any Exemption, Bounty, Drawback, or other Privilege, upon the Importation or Exportation of any Articles, nor to impose any Dues or Charges upon Shipping, contrary to or at variance with any Treaty or Treaties concluded by Her Majesty with any Foreign Power.

 XXXII. And

Power to Governors and Councils, with Assent of Her Majesty in Council, to alter the Constitution of the Legislative Councils.

XXXII. And be it enacted, That, notwithstanding anything hereinbefore contained, it shall be lawful for the Governor and Legislative Council of the Colony of *New South Wales*, after the Separation therefrom of the Colony of *Victoria*, and for the Governors and Legislative Councils of the said Colonies of *Victoria*, *Van Diemen's Land*, *South Australia*, and *Western Australia* respectively, after the Establishment of Legislative Councils therein under this Act, from Time to Time, by any Act or Acts to alter the Provisions or Laws for the Time being in force under this Act, or otherwise, concerning the Election of the elective Members of such Legislative Councils respectively, the Qualification of Electors and elective Members, or to establish in the said Colonies respectively, instead of the Legislative Council, a Council and a House of Representatives, or other separate Legislative Houses, to consist respectively of such Members to be appointed or elected respectively by such Persons and in such Manner as by such Act or Acts shall be determined, and to vest in such Council and House of Representatives or other separate Legislative Houses the Powers and Functions of the Legislative Council for which the same may be substituted: Provided always, that every Bill which shall be passed by the Council in any of the said Colonies for any of such Purposes shall be reserved for the Signification of Her Majesty's Pleasure thereon; and a Copy of such Bill shall be laid before both Houses of Parliament for the Space of Thirty Days at the least before Her Majesty's Pleasure thereon shall be signified.

Provision as to the Reservation of Bills for Signification of Her Majesty's Pleasure.

XXXIII. Provided always, and be it enacted, That the Provisions of the said firstly-recited Act of the Sixth Year of the Reign of Her Majesty, as explained and amended by the said secondly-recited Act of the Eighth Year of the Reign of Her Majesty, concerning Bills reserved for the Signification of Her Majesty's Pleasure thereon, shall be applicable to every Bill so reserved under the Provisions of this Act.

Provision of 5 & 6 Vict. c. 76. reserving Powers to define Limits, &c. of New South Wales extended.

XXXIV. And whereas by the said firstly-recited Act of the Sixth Year of the Reign of Her Majesty Power is reserved to Her Majesty by Letters Patent to be from Time to Time issued under the Great Seal of *Great Britain* and *Ireland* to define the Limits of the said Colony of *New South Wales*, and to erect into a separate Colony or Colonies any Territories which then were or were reputed to be or thereafter might be comprised within the said Colony of *New South Wales*, provided that no Part of the Territories lying Southward of the Twenty-sixth Degree of South Latitude in the said Colony of *New South Wales* should by any such Letters Patent as aforesaid be detached from the said Colony: And whereas it is expedient that the Power reserved to Her Majesty as aforesaid should be extended over

certain Parts of the said Territories lying Southward of the Twenty-sixth Degree of South Latitude, upon the Application of the Inhabitants thereof: Be it enacted, That it shall be lawful for Her Majesty from Time to Time, upon the Petition of the Inhabitant Householders of any such of the Territories in the said recited Proviso mentioned as lie Northward of the Thirtieth Degree of South Latitude, to detach such Territories from the Colony of *New South Wales*, and to erect such Territories into a separate Colony or Colonies, or to include the same in any Colony or Colonies to be established under the Powers of the last-mentioned Act; and all the Powers and Provisions of the last-mentioned Act in respect to any new Colony or Colonies to be established under such Act shall extend to any new Colony or Colonies to be established under this Enactment.

Upon Petition of Inhabitants, Territories lying Northward of Thirtieth Degree of South Latitude may be detached from New South Wales.

XXXV. Provided always, and be it enacted, That it shall be lawful for the Legislature which may be constituted according to the Provisions of the last-mentioned Act in any Colony established under such Act, or under the Enactment herein-before contained, by any Ordinance or Ordinances to be made for that Purpose, subject to the Conditions and Restrictions to which Ordinances to be made by such Legislature may by Law be subject, to establish a Legislative Council within such Colony, to consist of such Number of Members as they shall think fit; and such Number of the Members of such Council as is equal to One Third Part of the whole Number of Members of such Council, or if such Number be not exactly divisible by Three, One Third of the next greater Number which is divisible by Three, shall be appointed by Her Majesty, and the remaining Members of the Council shall be elected by the Inhabitants of such Colony; and it shall be lawful for such Legislature, by such Law or Ordinance as aforesaid, to make all necessary Provisions for dividing such Colony into convenient Electoral Districts, and for appointing and declaring the Number of Members of Council to be elected for each such District, and for the Compilation and Revision of Lists of all Persons qualified to vote at the Elections to be holden within such Districts, and for the appointing of Returning Officers, and for the issuing, executing, and returning of the necessary Writs for such Elections, and for taking the Poll thereat, and for determining the Validity of all disputed Returns, and otherwise ensuring the orderly, effective, and impartial Conduct of such Elections; and upon the Establishment in such Colony of a Legislative Council under this Provision, all the Provisions of this Act and of the said firstly-recited Act of the Sixth Year of Her Majesty, and of the said secondly-recited Act of the Eighth Year of Her Majesty, which are hereby made applicable to the Colony of Western Australia, after the Establish-

Legislative Councils may be established in the newly erected Colonies.

Establishment under this Act of a Legislative Council therein, shall become applicable to the Colony in which a Legislative Council is established under this Provision, as if all such Provisions were here repeated and applied to every such Colony.

Interpretation of "Governor".

XXXVI. And be it enacted, That by the Term "Governor" of the Colonies mentioned in this Act, as used in this Act, shall be understood the Persons for the Time being lawfully administering the Government of such Colonies respectively, and until Her Majesty shall issue a Commission appointing a Governor of the Colony of *Victoria*, the Superintendent of *Port Phillip* shall be deemed the Person administering the Government of the Colony of *Victoria*.

Commencement of this Act.

XXXVII. And be it enacted, That this Act shall be proclaimed in *New South Wales*, *Van Diemen's Land*, *South Australia*, and *Western Australia*, by the respective Governors thereof, within Six Weeks after a Copy of such Act shall have been received by such Governors respectively, and, save as herein expressly provided, shall take effect within such Colonies respectively from the Day of such Proclamation thereof.

Act may be amended, &c.

XXXVIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

SCHE-

SCHEDULES referred to in the foregoing Act.

NEW SOUTH WALES.

SCHEDULE (A.) Part 1.

	£
Governor	5,000
Chief Justice	2,000
Two Puisne Judges	3,000
Salaries of the Attorney and Solicitor General, Crown Solicitor, and contingent and miscellaneous Expenses of the Administration of Justice throughout the Colony	19,000
	29,000

SCHEDULE (A.) Part 2.

	£
Colonial Secretary, and his Department	6,500
Colonial Treasurer, and his Department	4,000
Auditor General, and his Department	3,000
Salary of Clerk, and miscellaneous Expenses of Executive Council	500
Pensions	2,500
	16,500

SCHEDULE (A.) Part 3.

	£
Public Worship	28,000

VICTORIA.

SCHEDULE (B.) Part 1.

	£
Governor	2,000
Judge	1,500
Salaries of Attorney General and Crown Solicitor, and contingent and miscellaneous Expenses of the Administration of Justice throughout the Colony	5,000
	8,500

SCHEDULE (B.) Part 2.

	£
Colonial Secretary, and his Department	2,000
Colonial Treasurer, and his Department	1,500
Auditor General and his Department	1,100
Salary of Clerk of Executive Council, and miscellaneous Expenses	400
Pensions	500
	5,500

SCHEDULE (B.) Part 3.

	£
Public Worship	6,000

VAN DIEMEN'S LAND.

SCHEDULE (C.) Part 1.

	£
Governor - - - - -	2,000
Chief Justice - - - - -	1,500
Puisne Judge - - - - -	1,200
Salaries of Attorney and Solicitor General, Crown Solicitors, and contingent and miscellaneous Expenses of Administration of Justice throughout the Colony - - - -	13,300
	18,000

SCHEDULE (C.) Part 2.

	£
Colonial Secretary, and his Department - -	2,800
Colonial Treasurer, and his Department - -	1,800
Auditor General, and his Department - -	1,600
Salary of Clerk of Executive Council, and miscellaneous Expenses - - - -	700
Pensions - - - - -	2,000
	8,900

SCHEDULE (C.) Part 3.

	£
Public Worship - - - -	15,000

SOUTH AUSTRALIA.

SCHEDULE (D.) Part 1.

	£
Governor - - - - -	2,000
Judge - - - - - -	1,000
Salaries of the Advocate General and Crown Solicitor, and contingent and miscellaneous Expenses of the Administration of Justice throughout the Colony - - - - -	5,000
	8,000

SCHEDULE (D.) Part 2.

	£
Colonial Secretary, and his Department - -	2,000
Colonial Treasurer, and his Department - -	1,500
Auditor General, and his Department - -	1,000
Salary of Clerk of Executive Council, and miscellaneous Expenses - - - -	500
	5,000

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ANNO DECIMO TERTIO & DECIMO QUARTO

VICTORIÆ REGINÆ.

***

ment assembled, and by the Authority of the same, That all Proceedings under the said Acts or any of them commenced before the passing of this Act may be proceeded with under the said recited Acts, or according to the Provisions of this Act, as shall be thought expedient, and, subject as aforesaid, that the said recited Acts shall be and the same are hereby repealed: Provided always, that the several Acts repealed by the said recited Acts shall not be revived, and that such Repeal shall only be on and after this Act coming into operation.

Interpretation of Terms.

II. And whereas it is expedient to define the Meaning in which certain Words are hereafter used; it is declared, That the several Words herein-after named are herein used and applied in the Manner following respectively; (that is to say,)

The Word "Lands" shall extend to and include Manors, Messuages, Tenements, and Hereditaments, corporeal and incorporeal, of every Tenure or Description, whatever may be the Estate or Interest therein:

The Word "Stock" shall mean any Fund, Annuity, or Security transferable in Books kept by any Company or Society established or to be established, or transferable by Deed alone, or by Deed accompanied by other Formalities, and any Share or Interest therein:

The Word "seised" shall be applicable to any vested Estate for Life or of a greater Description, and shall extend to Estates at Law and in Equity, in possession or in futurity, in any Lands:

The Word "possessed" shall be applicable to any vested Estate less than a Life Estate, at Law or in Equity, in possession or in expectancy, in any Lands:

The Words "contingent Right," as applied to Lands, shall mean a contingent or executory Interest, a Possibility coupled with an Interest, whether the Object of the Gift or Limitation of such Interest or Possibility be or be not ascertained, also a Right of Entry, whether immediate or future, and whether vested or contingent:

The Words "convey" and "Conveyance," applied to any Person, shall mean the Execution by such Person of every necessary or suitable Assurance for conveying or disposing to another Lands whereof such Person is seised or entitled to a contingent Right, either for the whole Estate of the Person conveying or disposing, or for any less Estate, together with the Performance of all Formalities required by Law to the Validity of such Conveyance, including the Acts to be performed by married Women and Tenants in Tail in accordance with the Provisions of an Act

passed in the Fourth Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for the Abolition of Fines and Recoveries, and the Substitution of more simple Modes of Assurance*, and including also Surrenders and other Acts which a Tenant of Customary or Copyhold Lands can himself perform preparatory to or in aid of a complete Assurance of such Customary or Copyhold Lands: 3 & 4 W. 4. c. 74.

The Words "assign" and "Assignment" shall mean the Execution and Performance by a Person of every necessary or suitable Deed or Act for assigning, surrendering, or otherwise transferring Lands of which such Person is possessed, either for the whole Estate of the Person so possessed or for any less Estate:

The Word "transfer" shall mean the Execution and Performance of every Deed and Act by which a Person entitled to Stock can transfer such Stock from himself to another:

The Words "Lord Chancellor" shall mean as well the Lord Chancellor of *Great Britain* as any Lord Keeper or Lords Commissioners of the Great Seal for the Time being:

The Words "Lord Chancellor of *Ireland*" shall mean as well the Lord Chancellor of Ireland as any Keeper or Lords Commissioners of the Great Seal of *Ireland* for the Time being:

The Word "Trust" shall not mean the Duties incident to an Estate conveyed by way of Mortgage; but, with this Exception, the Words "Trust" and "Trustee" shall extend to and include implied and constructive Trusts, and shall extend to and include Cases where the Trustee has some beneficial Estate or Interest in the Subject of the Trust, and shall extend to and include the Duties incident to the Office of personal Representative of a deceased Person:

The Word "Lunatic" shall mean any Person who shall have been found to be a Lunatic upon a Commission of Inquiry in the Nature of a Writ De lunatico inquirendo:

The Expression "Person of unsound Mind" shall mean any Person, not an Infant, who, not having been found to be a Lunatic, shall be incapable from Infirmity of Mind to manage his own Affairs:

The Word "Devisee" shall, in addition to its ordinary Signification, mean the Heir of a Devisee and the Devisee of an Heir, and generally any Person claiming an Interest in the Lands of a deceased Person, not as Heir of such deceased Person, but by a Title dependent solely upon the Operation of the Laws concerning Devise and Descent:

The Word "Mortgage" shall be applicable to every Estate, Interest, or Property in Lands or Personal Estate which would in a Court of Equity be deemed merely a Security for Money:

The

The Word "Person" used and referred to in the Masculine Gender shall include a Female as well as a Male, and shall include a Body Corporate:

And generally, unless the contrary shall appear from the Context, every Word importing the Singular Number only shall extend to several Persons or Things, and every Word importing the Plural Number shall apply to one Person or Thing, and every Word importing the Masculine Gender only shall extend to a Female.

Lord Chancellor may convey Estates of Lunatic Trustees and Mortgagees;

III. And be it enacted, That when any Lunatic or Person of unsound Mind shall be seised or possessed of any Lands upon any Trust or by way of Mortgage, it shall be lawful for the Lord Chancellor, intrusted by virtue of the Queen's Sign Manual with the Care of the Persons and Estates of Lunatics, to make an Order that such Lands be vested in such Person or Persons in such Manner and for such Estate as he shall direct; and the Order shall have the same Effect as if the Trustee or Mortgagee had been sane, and had duly executed a Conveyance or Assignment of the Lands in the same Manner for the same Estate.

may convey contingent Rights.

IV. And be it enacted, That when any Lunatic or Person of unsound Mind shall be entitled to any contingent Right in any Lands upon any Trust or by way of Mortgage, it shall be lawful for the Lord Chancellor, intrusted as aforesaid, to make an Order wholly releasing such Lands from such contingent Right, or disposing of the same to such Person or Persons as the said Lord Chancellor shall direct; and the Order shall have the same Effect as if the Trustee or Mortgagee had been sane, and had duly executed a Deed so releasing or disposing of the contingent Right.

Lord Chancellor may transfer Stock of Lunatic Trustees and Mortgagees.

V. And be it enacted, That when any Lunatic or Person of unsound Mind shall be solely entitled to any Stock or to any Chose in Action upon any Trust or by way of Mortgage, it shall be lawful for the Lord Chancellor, intrusted as aforesaid, to make an Order vesting in any Person or Persons the Right to transfer such Stock, or to receive the Dividends or Income thereof, or to sue for and recover such Chose in Action, or any Interest in respect thereof; and when any Person or Persons shall be entitled jointly with any Lunatic or Person of unsound Mind to any Stock or Chose in Action upon any Trust or by way of Mortgage, it shall be lawful for the said Lord Chancellor to make an Order vesting the Right to transfer such Stock, or to receive the Dividends or Income thereof, or to sue for and recover such Chose in Action, or any Interest in respect thereof, either in such Person or Persons so jointly entitled as aforesaid, or in such last-

last-mentioned Person or Persons together with any other Person or Persons the said Lord Chancellor may appoint.

Power to transfer Stock of deceased Person.

VI. And be it enacted, That when any Stock shall be standing in the Name of any deceased Person whose personal Representative is a Lunatic or Person of unsound Mind, or when any Chose in Action shall be vested in any Lunatic or Person of unsound Mind as the personal Representative of a deceased Person, it shall be lawful for the Lord Chancellor, intrusted as aforesaid, to make an Order vesting the Right to transfer such Stock, or to receive the Dividends or Income thereof, or to sue for and recover such Chose in Action or any Interest in respect thereof, in any Person or Persons he may appoint.

Court of Chancery may convey Estates of infant Trustees and Mortgagees.

VII. And be it enacted, That where any Infant shall be seised or possessed of any Lands upon any Trust or by way of Mortgage, it shall be lawful for the Court of Chancery to make an Order vesting such Lands in such Person or Persons in such Manner and for such Estate as the said Court shall direct; and the Order shall have the same Effect as if the infant Trustee or Mortgagee had been Twenty-one Years of Age, and had duly executed a Conveyance or Assignment of the Lands in the same Manner for the same Estate.

Contingent Rights of infant Trustees and Mortgagees.

VIII. And be it enacted, That where any Infant shall be entitled to any contingent Right in any Lands upon any Trust or by way of Mortgage, it shall be lawful for the Court of Chancery to make an Order wholly releasing such Lands from such contingent Right, or disposing of the same to such Person or Persons as the said Court shall direct; and the Order shall have the same Effect as if the Infant had been Twenty-one Years of Age, and had duly executed a Deed so releasing or disposing of the contingent Right.

Court of Chancery may convey the Estate of a Trustee out of the Jurisdiction of the Court.

IX. And be it enacted, That when any Person solely seised or possessed of any Lands upon any Trust shall be out of the Jurisdiction of the Court of Chancery, or cannot be found, it shall be lawful for the said Court to make an Order vesting such Lands in such Person or Persons in such Manner and for such Estate as the said Court shall direct; and the Order shall have the same Effect as if the Trustee had duly executed a Conveyance or Assignment of the Lands in the same Manner and for the same Estate.

Court may make Order in Cases where Persons are

X. And be it enacted, That when any Person or Persons shall be seised or possessed of any Lands jointly with a Person out of the Jurisdiction of the Court of Chancery, or who cannot be found, it shall

seised of Lands jointly with Parties out of Jurisdiction of Court, &c.

shall be lawful for the said Court to make an Order vesting the Lands in the Person or Persons so jointly seised or possessed, or in such last-mentioned Person or Persons together with any other Person or Persons, in such Manner and for such Estate as the said Court shall direct; and the Order shall have the same Effect as if the Trustee out of the Jurisdiction, or who cannot be found, had duly executed a Conveyance or Assignment of the Lands in the same Manner for the same Estate.

Contingent Rights of Trustees.

XI. And be it enacted, That when any Person solely entitled to a contingent Right in any Lands upon any Trust shall be out of the Jurisdiction of the Court of Chancery, or cannot be found, it shall be lawful for the said Court to make an Order wholly releasing such Lands from such contingent Right, or disposing of the same to such Person or Persons as the said Court shall direct; and the Order shall have the same Effect as if the Trustee had duly executed a Conveyance so releasing or disposing of the contingent Right.

Court may make Order in Cases where Persons are jointly entitled with others out of the Jurisdiction of the Court to a contingent Right in Lands.

XII. And be it enacted, That when any Person jointly entitled with any other Person or Persons to a contingent Right in any Lands upon any Trust shall be out of the Jurisdiction of the Court of Chancery or cannot be found, it shall be lawful for the said Court to make an Order disposing of the contingent Right of the Person out of the Jurisdiction, or who cannot be found, to the Person or Persons so jointly entitled as aforesaid, or to such last-mentioned Person or Persons together with any other Person or Persons; and the Order shall have the same Effect as if the Trustee out of the Jurisdiction, or who cannot be found, had duly executed a Conveyance so releasing or disposing of the contingent Right.

When it is uncertain which of several Trustees was the Survivor.

XIII. And be it enacted, That where there shall have been Two or more Persons jointly seised or possessed of any Lands upon any Trust, and it shall be uncertain which of such Trustees was the Survivor, it shall be lawful for the Court of Chancery to make an Order vesting such Lands in such Person or Persons in such Manner and for such Estate as the said Court shall direct; and the Order shall have the same Effect as if the Survivor of such Trustees had duly executed a Conveyance or Assignment of the Lands in the same Manner for the same Estate.

When it is uncertain whether the last Trustee be living or dead.

XIV. And be it enacted, That where any One or more Person or Persons shall have been seised or possessed of any Lands upon any Trust, and it shall not be known, as to the Trustee last known to have been seised or possessed, whether he be living or dead, it shall be lawful for the Court of Chancery to make an Order vesting such Lands

Lands in such Person or Persons in such Manner and for such Estate as the said Court shall direct; and the Order shall have the same Effect as if the last Trustee had duly executed a Conveyance or Assignment of the Lands in the same Manner for the same Estate.

When Trustee dies without an Heir.

XV. And be it enacted, That when any Person seised of any Lands upon any Trust shall have died intestate as to such Lands without an Heir, or shall have died and it shall not be known who is his Heir or Devisee, it shall be lawful for the Court of Chancery to make an Order vesting such Lands in such Person or Persons in such Manner and for such Estate as the said Court shall direct; and the Order shall have the same Effect as if the Heir or Devisee of such Trustee had duly executed a Conveyance of the Lands in the same Manner for the same Estate.

Contingent Right of unborn Trustee.

XVI. And be it enacted, That when any Lands are subject to a contingent Right in an unborn Person or Class of unborn Persons who upon coming into existence would in respect thereof become seised or possessed of such Lands upon any Trust, it shall be lawful for the Court of Chancery to make an Order which shall wholly release and discharge such Lands from such contingent Right in such unborn Person or Class of unborn Persons, or to make an Order which shall vest in any Person or Persons the Estate or Estates which such unborn Person or Class of unborn Persons would upon coming into existence be seised or possessed of in such Lands.

Power to convey in place of a refusing Trustee.

XVII. And be it enacted, That where any Person jointly or solely seised or possessed of any Lands upon any Trust shall, after a Demand by a Person entitled to require a Conveyance or Assignment of such Lands, or a duly authorized Agent of such last-mentioned Person, have stated in Writing that he will not convey or assign the same, or shall neglect or refuse to convey or assign such Lands for the Space of Twenty-eight Days next after a proper Deed for conveying or assigning the same shall have been tendered to him by any Person entitled to require the same, or by a duly authorized Agent of such last-mentioned Person, it shall be lawful for the Court of Chancery to make an Order vesting such Lands in such Person or Persons in such Manner and for such Estate as the said Court shall direct; and the Order shall have the same Effect as if the Trustee had duly executed a Conveyance or Assignment of the Lands in the same Manner for the same Estate.

Power to convey in place of Person entitled to contingent Right.

XVIII. And be it enacted, That where any Person jointly or solely entitled to a contingent Right in any Lands upon any Trust shall, after a Demand for a Conveyance or Release of such contingent Right by a Person entitled to require the same, or a duly authorized Agent of such

such last-mentioned Person, have stated in Writing that he will not convey or release such contingent Right, or shall neglect or refuse to convey or release such contingent Right for the Space of Twenty-eight Days next after a proper Deed for conveying or releasing the same shall have been tendered to him by any Person entitled to require the same, or by a duly authorized Agent of such last-mentioned Person, it shall be lawful for the Court of Chancery to make an Order releasing or disposing of such contingent Right in such Manner as it shall direct; and the Order shall have the same Effect as if the Trustee so neglecting or refusing had duly executed a Conveyance so releasing or disposing of the contingent Right.

Power to convey in place of Mortgagee.

XIX. And be it enacted, That when any Person to whom any Lands have been conveyed by way of Mortgage shall have died without having entered into the Possession or into the Receipt of the Rents and Profits thereof, and the Money due in respect of such Mortgage shall have been paid to a Person entitled to receive the same, or such last-mentioned Person shall consent to an Order for the Reconveyance of such Lands, then in any of the following Cases it shall be lawful for the Court of Chancery to make an Order vesting such Lands in such Person or Persons in such Manner and for such Estate as the said Court shall direct; that is to say,

When an Heir or Devisee of such Mortgagee shall be out of the Jurisdiction of the Court of Chancery, or cannot be found:

When an Heir or Devisee of such Mortgagee shall, upon a Demand by a Person entitled to require a Conveyance of such Lands or a duly authorized Agent of such last-mentioned Person, have stated in Writing that he will not convey the same, or shall not convey the same for the Space of Twenty-eight Days next after a proper Deed for conveying such Lands shall have been tendered to him by a Person entitled as aforesaid, or a duly authorized Agent of such last-mentioned Person:

When it shall be uncertain which of several Devisees of such Mortgagee was the Survivor:

When it shall be uncertain as to the Survivor of several Devisees of such Mortgagee, or as to the Heir of such Mortgagee whether he be living or dead:

When such Mortgagee shall have died intestate as to such Lands, and without an Heir, or shall have died and it shall not be known who is his Heir or Devisee:

And the Order of the said Court of Chancery made in any One of the foregoing Cases shall have the same Effect as if the Heir or Devisee or surviving Devisee, as the Case may be, had duly executed a Conveyance or Assignment of the Lands in the same Manner and for the same Estate.

XX. And

XX. And be it enacted, That in every Case where the Lord Chancellor, intrusted as aforesaid, or the Court of Chancery, shall, under the Provisions of this Act, be enabled to make an Order having the Effect of a Conveyance or Assignment of any Lands, or having the Effect of a Release or Disposition of the contingent Right of any Person or Persons, born or unborn, it shall also be lawful for the Lord Chancellor, intrusted as aforesaid, or the Court of Chancery, as the Case may be, should it be deemed more convenient, to make an Order appointing a Person to convey or assign such Lands, or release or dispose of such contingent Right; and the Conveyance or Assignment, or Release or Disposition, of the Person so appointed, shall, when in conformity with the Terms of the Order by which he is appointed, have the same Effect, in conveying or assigning the Lands, or releasing or disposing of the contingent Right, as an Order of the Lord Chancellor, intrusted as aforesaid, or the Court of Chancery, would in the particular Case have had under the Provisions of this Act; and in every Case where the Lord Chancellor, intrusted as aforesaid, or the Court of Chancery, shall, under the Provisions of this Act, be enabled to make an Order vesting in any Person or Persons the Right to transfer any Stock transferable in the Books of the Governor and Company of the Bank of *England*, or of any other Company or Society established or to be established, it shall also be lawful for the Lord Chancellor, intrusted as aforesaid, or the Court of Chancery, if it be deemed more convenient, to make an Order directing the Secretary, Deputy Secretary, or Accountant General for the Time being of the Governor and Company of the Bank of *England*, or any Officer of such other Company or Society, at once to transfer or join in transferring the Stock to the Person or Persons to be named in the Order; and this Act shall be a full and complete Indemnity and Discharge to the Governor and Company of the Bank of *England*, and all other Companies or Societies, and their Officers and Servants, for all Acts done or permitted to be done pursuant thereto.

Power to appoint a Person to convey in certain Cases.

XXI. And be it enacted, That as to any Lands situated within the Duchy of *Lancaster* or the Counties Palatine of *Lancaster* or *Durham*, it shall be lawful for the Court of the Duchy Chamber of *Lancaster*, the Court of Chancery in the County Palatine of *Lancaster*, or the Court of Chancery in the County Palatine of *Durham*, to make a like Order in the same Cases as to any Lands within the Jurisdiction of the same Courts respectively as the Court of Chancery has under the Provisions herein-before contained been enabled to make concerning any Lands; and every such Order of the Court of the Duchy Chamber of *Lancaster*, the Court of Chancery in the County Palatine of *Lancaster*, or the Court of Chancery in the County Palatine of *Durham*, shall, as to such

As to Lands in Lancaster and Durham.

Lands, have the same Effect as an Order of the Court of Chancery: Provided always, that no Person who is anywhere within the Limits of the Jurisdiction of the High Court of Chancery shall be deemed by such local Courts to be an absent Trustee or Mortgagee within the Meaning of this Act.

When Trustees of Stock out of the Jurisdiction.

XXII. And be it enacted, That when any Person or Persons shall be jointly entitled with any Person out of the Jurisdiction of the Court of Chancery, or who cannot be found, or concerning whom it shall be uncertain whether he be living or dead, to any Stock or Chose in Action upon any Trust, it shall be lawful for the said Court to make an Order vesting the Right to transfer such Stock, or to receive the Dividends or Income thereof, or to sue for or recover such Chose in Action, or any Interest in respect thereof, either in such Person or Persons so jointly entitled as aforesaid, or in such last-mentioned Person or Persons together with any Person or Persons the said Court may appoint; and when any sole Trustee of any Stock or Chose in Action shall be out of the Jurisdiction of the said Court, or cannot be found, or it shall be uncertain whether he be living or dead, it shall be lawful for the said Court to make an Order vesting the Right to transfer such Stock, or to receive the Dividends or Income thereof, or to sue for and recover such Chose in Action, or any Interest in respect thereof, in any Person or Persons the said Court may appoint.

When Trustee of Stock refuses to transfer.

XXIII. And be it enacted, That where any sole Trustee of any Stock or Chose in Action shall neglect or refuse to transfer such Stock, or to receive the Dividends or Income thereof, or to sue for or recover such Chose in Action, or any Interest in respect thereof, according to the Direction of the Person absolutely entitled thereto, for the Space of Twenty-eight Days next after a Request in Writing for that Purpose shall have been made to him by the Person absolutely entitled thereto, it shall be lawful for the Court of Chancery to make an Order vesting the sole Right to transfer such Stock, or to receive the Dividends or Income thereof, or to sue for and recover such Chose in Action, or any Interest in respect thereof, in such Person or Persons as the said Court may appoint.

When One of several Trustees of Stock refuses to transfer or receive and pay over Dividends.

XXIV. And be it enacted, That where any One of the Trustees of any Stock or Chose in Action shall neglect or refuse to transfer such Stock, or to receive the Dividends or Income thereof, or to sue for or recover such Chose in Action according to the Directions of the Person absolutely entitled thereto, for the Space of Twenty-eight Days next after a Request in Writing for that Purpose shall have been made to him or her by such Person, it shall be lawful for the Court of Chancery

Chancery to make an Order vesting the Right to transfer such Stock, or to receive the Dividends or Income thereof, or to sue for and recover such Chose in Action, in the other Trustee or Trustees of the said Stock or Chose in Action, or in any Person or Persons whom the said Court may appoint jointly with such other Trustee or Trustees.

When Stock is standing in the Name of a deceased Person.

XXV. And be it enacted, That when any Stock shall be standing in the sole Name of a deceased Person, and his or her personal Representative shall be out of the Jurisdiction of the Court of Chancery, or cannot be found, or it shall be uncertain whether such personal Representative be living or dead, or such personal Representative shall neglect or refuse to transfer such Stock, or receive the Dividends or Income thereof, according to the Direction of the Person absolutely entitled thereto, for the Space of Twenty-eight Days next after a Request in Writing for that Purpose shall have been made to him by the Person entitled as aforesaid, it shall be lawful for the Court of Chancery to make an Order vesting the Right to transfer such Stock, or to receive the Dividends or Income thereof, in any Person or Persons whom the said Court may appoint.

Effect of an Order vesting the legal Right to transfer Stock.

XXVI. And be it enacted, That where any Order shall have been made under any of the Provisions of this Act vesting the Right to any Stock in any Person or Persons appointed by the Lord Chancellor, intrusted as aforesaid, or the Court of Chancery, such legal Right shall vest accordingly, and thereupon the Person or Persons so appointed are hereby authorized and empowered to execute all Deeds and Powers of Attorney, and to perform all Acts relating to the Transfer of such Stock into his or their own Name or Names or otherwise, or relating to the Receipt of the Dividends thereof, to the Extent and in conformity with the Terms of such Order; and the Bank of *England*, and all Companies and Associations whatever, and all Persons, shall be equally bound and compellable to comply with the Requisitions of such Person or Persons so appointed as aforesaid, to the Extent and in conformity with the Terms of such Order as the said Bank of *England*, or such Companies, Associations, or Persons, would have been bound and compellable to comply with the Requisitions of the Person in whose Place such Appointment shall have been made, and shall be equally indemnified in complying with the Requisition of such Person or Persons so appointed as they would have been indemnified in complying with the Requisition of the Person in whose Place such Appointment shall have been made; and after Notice in Writing of any such Order of the Lord Chancellor, intrusted as aforesaid, or of the Court of Chancery, concerning any Stock, shall have been given, it

it shall not be lawful for the Bank of *England*, or any Company or Association whatever, or any Person having received such Notice, to act upon the Requisition of the Person in whose Place an Appointment shall have been made in any Matter whatever relating to the Transfer of such Stock, or the Payment of the Dividends or Produce thereof.

Effect of an Order vesting legal Right in a Chose in Action.

XXVII. And be it enacted, That where any Order shall have been made under the Provisions of this Act, either by the Lord Chancellor, intrusted as aforesaid, or by the Court of Chancery, vesting the legal Right to sue for or recover any Chose in Action or any Interest in respect thereof in any Person or Persons, such legal Right shall vest accordingly, and thereupon it shall be lawful for the Person or Persons so appointed to carry on, commence, and prosecute, in his or their own Name or Names, any Action, Suit, or other Proceeding at Law or in Equity for the Recovery of such Chose in Action, in the same Manner in all respects as the Person in whose Place an Appointment shall have been made could have sued for or recovered such Chose in Action.

Effect of an Order vesting Copyhold Lands, or appointing any Person to convey Copyhold Lands.

XXVIII. And be it enacted, That whensoever, under any of the Provisions of this Act, an Order shall be made, either by the Lord Chancellor, intrusted as aforesaid, or the Court of Chancery, vesting any Copyhold or Customary Lands in any Person or Persons, and such Order shall be made with the Consent of the Lord or Lady of the Manor whereof such Lands are holden, then the Lands shall, without any Surrender or Admittance in respect thereof, vest accordingly; and whenever, under any of the Provisions of this Act, an Order shall be made either by the Lord Chancellor, intrusted as aforesaid, or the Court of Chancery, appointing any Person or Persons to convey or assign any Copyhold or Customary Lands, it shall be lawful for such Person or Persons to do all Acts and execute all Instruments for the Purpose of completing the Assurance of such Lands; and all such Acts and Instruments so done and executed shall have the same Effect, and every Lord and Lady of a Manor, and every other Person, shall, subject to the Customs of the Manor and the usual Payments, be equally bound and compellable to make Admittance to such Lands, and to do all other Acts for the Purpose of completing the Assurance thereof, as if the Persons in whose Place an Appointment shall have been made, being free from any Disability, had duly done and executed such Acts and Instruments.

When a Decree is made for Sale of Real

XXIX. And be it enacted, That when a Decree shall have been made by any Court of Equity directing the Sale of any Lands for the Payment of the Debts of a deceased Person, every Person seised

seised or possessed of such Lands, or entitled to a contingent Right therein, as Heir, or under the Will of such deceased Debtor, shall be deemed to be so seised or possessed or entitled, as the Case may be, upon a Trust within the Meaning of this Act; and the Court of Chancery is hereby empowered to make an Order wholly discharging the contingent Right, under the Will of such deceased Debtor, of any unborn Person.

Estate for Payment of Debts.

XXX. And be it enacted, That where any Decree shall be made by any Court of Equity for the specific Performance of a Contract concerning any Lands, or for the Partition or Exchange of any Lands, or generally when any Decree shall be made for the Conveyance or Assignment of any Lands, either in Cases arising out of the Doctrine of Election or otherwise, it shall be lawful for the said Court to declare that any of the Parties to the said Suit wherein such Decree is made are Trustees of such Lands or any Part thereof, within the Meaning of this Act, or to declare concerning the Interests of unborn Persons who might claim under any Party to the said Suit, or under the Will or voluntary Settlement of any Person deceased who was during his Lifetime a Party to the Contract or Transactions concerning which such Decree is made, that such Interests of unborn Persons are the Interests of Persons who, upon coming into existence, would be Trustees within the Meaning of this Act, and thereupon it shall be lawful for the Lord Chancellor, intrusted as aforesaid, or the Court of Chancery, as the Case may be, to make such Order or Orders as to the Estates, Rights, and Interests of such Persons, born or unborn, as the said Court or the said Lord Chancellor might under the Provisions of this Act make concerning the Estates, Rights, and Interests of Trustees born or unborn.

Court to declare what Parties are Trustees of Lands comprised in any Suit, and as to the Interests of Persons unborn.

XXXI. And be it enacted, That it shall be lawful for the Lord Chancellor, intrusted as aforesaid, or the Court of Chancery, to make Declarations and give Directions concerning the Manner in which the Right to any Stock or Chose in Action vested under the Provisions of this Act shall be exercised; and thereupon the Person or Persons in whom such Right shall be vested shall be compellable to obey such Directions and Declarations by the same Process as that by which other Orders under this Act are enforced.

Power to make Directions how the Right to transfer Stock to be exercised.

XXXII. And be it enacted, That whenever it shall be expedient to appoint a new Trustee or new Trustees, and it shall be found inexpedient, difficult, or impracticable so to do without the Assistance of the Court of Chancery, it shall be lawful for the said Court of Chancery to make an Order appointing a new Trustee or new Trustees

Power to Court to make Order appointing new Trustees.

 either

either in substitution for or in addition to any existing Trustee or Trustees.

The new Trustees to have the Powers of Trustees appointed by Decree in Suit.

XXXIII. And be it enacted, That the Person or Persons who, upon the making of such Order as last aforesaid, shall be Trustee or Trustees, shall have all the same Rights and Powers as he or they would have had if appointed by Decree in a Suit duly instituted.

Power to Court to vest Lands in new Trustees.

XXXIV. And be it enacted, That it shall be lawful for the said Court of Chancery, upon making any Order for appointing a new Trustee or new Trustees, either by the same or by any subsequent Order to direct that any Lands subject to the Trust shall vest in the Person or Persons who upon the Appointment shall be the Trustee or Trustees, for such Estate as the Court shall direct; and such Order shall have the same Effect as if the Person or Persons who before such Order were the Trustee or Trustees (if any) had duly executed all proper Conveyances and Assignments of such Lands for such Estate.

Power to Court to vest Right to sue at Law in new Trustees.

XXXV. And be it enacted, That it shall be lawful for the said Court of Chancery, upon making any Order for appointing a new Trustee or new Trustees, either by the same or by any subsequent Order, to vest the Right to call for a Transfer of any Stock subject to the Trust, or to receive the Dividends or Income thereof, or to sue for or recover any Chose in Action, subject to the Trust, or any Interest in respect thereof, in the Person or Persons who upon the Appointment shall be the Trustee or Trustees.

Old Trustees not to be discharged from Liability.

XXXVI. And be it enacted, That any such Appointment by the Court of new Trustees, and any such Conveyance, Assignment, or Transfer as aforesaid, shall operate no further or otherwise as a Discharge to any former or continuing Trustee than an Appointment of new Trustees under any Power for that Purpose contained in any Instrument would have done.

Who may apply.

XXXVII. And be it enacted, That an Order, under any of the herein-before contained Provisions, for the Appointment of a new Trustee or Trustees, or concerning any Lands, Stock, or Chose in Action subject to a Trust, may be made upon the Application of any Person beneficially interested in such Lands, Stock, or Chose in Action, whether under Disability or not, or upon the Application of any Person duly appointed as a Trustee thereof; and that an Order under any of the Provisions herein-before contained concerning any Lands, Stock, or Chose in Action subject to a Mortgage may be made on the Application of any Person beneficially interested in

in the Equity of Redemption, whether under Disability or not, or of any Person interested in the Monies secured by such Mortgage.

Power to go before the Master in the first instance.

XXXVIII. And be it enacted, That when any Person shall deem himself entitled to an Order under any of the Provisions hereinbefore contained, either from the Lord Chancellor, intrusted as aforesaid, or from the Court of Chancery, it shall be lawful for him to exhibit before any One of the Masters of the High Court of Chancery a Statement of the Facts whereon such Order is sought to be obtained, and adduce Evidence in support thereof; and if such Evidence shall be satisfactory to the said Master, he shall, at the Request of the Person adducing such Evidence, give a Certificate under his Hand of the several material Facts found by him to be true, and of his Opinion that such Person is entitled to an Order in the Form set forth in such Certificate.

Power to petition the Court or the Lord Chancellor.

XXXIX. And be it enacted, That any Person who shall have obtained such Certificate may apply by Motion to the Court of Chancery, or to the Lord Chancellor, intrusted as aforesaid, for an Order to the Effect set forth in such Certificate, or for such other Order as such Person may deem himself entitled to upon the Facts found by the Master.

Power to present Petition in the first instance.

XL. And be it enacted, That any Person or Persons entitled in manner aforesaid to apply for an Order from the said Court of Chancery, or from the Lord Chancellor, intrusted as aforesaid, may, should he so think fit, present a Petition in the first instance to the Court of Chancery, or to the Lord Chancellor, intrusted as aforesaid, for such Order as he may deem himself entitled to, and may give Evidence by Affidavit or otherwise in support of such Petition before the said Court, or the Lord Chancellor, intrusted as aforesaid, and may serve such Person or Persons with Notice of such Petition as he may deem entitled to Service thereof.

What may be done upon Petition.

XLI. And be it enacted, That upon the Hearing of any such Motion or Petition it shall be lawful for the said Court or for the said Lord Chancellor, should it be deemed necessary, to direct a Reference to One of the Masters in Ordinary of the Court of Chancery to inquire into any Facts which require such an Investigation, or it shall be lawful for the said Court or for the said Lord Chancellor to direct such Motion or Petition to stand over, to enable the Petitioner or Petitioners to adduce Evidence or further Evidence before the said Court or before the said Lord Chancellor, or to enable Notice or any further Notice of such Motion or Petition to be served upon any Person or Persons.

XLII. And

Court may dismiss Petition with or without Costs.

XLII. And be it enacted, That upon the Hearing of any such Motion or Petition, whether any Certificate or Report from a Master shall have been obtained or not, it shall be lawful for the Court, or the Lord Chancellor, intrusted as aforesaid, to dismiss such Motion or Petition, with or without Costs, or to make an Order thereupon in conformity with the Provisions of this Act.

Power to make an Order in a Cause.

XLIII. And be it enacted, That whensoever in any Cause or Matter, either by the Evidence adduced therein, or by the Admissions of the Parties, or by a Report of One of the Masters of the Court of Chancery, the Facts necessary for an Order under this Act shall appear to such Court to be sufficiently proved, it shall be lawful for the said Court, either upon the Hearing of the said Cause or of any Petition or Motion in the said Cause or Matter, to make such Order under this Act.

Orders made by the Court of Chancery, founded on certain Allegations, to be conclusive Evidence of the Matter contained in such Allegations.

XLIV. And be it enacted, That whenever any Order shall be made under this Act, either by the Lord Chancellor, intrusted as aforesaid, or by the Court of Chancery, for the Purpose of conveying or assigning any Lands, or for the Purpose of releasing or disposing of any contingent Right, and such Order shall be founded on an Allegation of the personal Incapacity of a Trustee or Mortgagee, or on an Allegation that a Trustee or the Heir or Devisee of a Mortgagee is out of the Jurisdiction of the Court of Chancery or cannot be found, or that it is uncertain which of several Trustees, or which of several Devisees of a Mortgagee, was the Survivor, or whether the last Trustee, or the Heir or last surviving Devisee of a Mortgagee, be living or dead, or on an Allegation that any Trustee or Mortgagee has died intestate without an Heir, or has died and it is not known who is his Heir or Devisee, then in any of such Cases the Fact that the Lord Chancellor, intrusted as aforesaid, or the Court of Chancery, has made an Order upon such an Allegation, shall be conclusive Evidence of the Matter so alleged in any Court of Law or Equity upon any Question as to the legal Validity of the Order: Provided always, that nothing herein contained shall prevent the Court of Chancery directing a Re-conveyance or Re-assignment of any Lands conveyed or assigned by any Order under this Act, or a Re-disposition of any contingent Right conveyed or disposed of by such Order; and it shall be lawful for the said Court to direct any of the Parties to any Suit concerning such Lands or contingent Right to pay any Costs occasioned by the Order under this Act, when the same shall appear to have been improperly obtained.

Trustees of Charities.

XLV. And be it enacted, That it shall be lawful for the Lord Chancellor, intrusted as aforesaid, or the Court of Chancery, to

to exercise the Powers herein conferred for the Purpose of vesting any Lands, Stock, or Chose in Action in the Trustee or Trustees of any Charity or Society over which Charity or Society the said Court of Chancery would have Jurisdiction upon Suit duly instituted, whether such Trustee or Trustees shall have been duly appointed by any Power contained in any Deed or Instrument, or by the Decree of the said Court of Chancery, or by Order made upon a Petition to the said Court under any Statute authorizing the said Court to make an Order to that Effect in a summary Way upon Petition.

No Escheat of Property held upon Trust or Mortgage.

XLVI. And be it enacted, That no Lands, Stock, or Chose in Action vested in any Person upon any Trust or by way of Mortgage, or any Profits thereof, shall escheat or be forfeited to Her Majesty, Her Heirs or Successors, or to any Corporation, Lord or Lady of a Manor, or other Person, by reason of the Attainder or Conviction for any Offence of such Trustee or Mortgagee, but shall remain in such Trustee or Mortgagee, or survive to his or her Co-Trustee, or descend or vest in his or her Representative, as if no such Attainder or Conviction had taken place.

Act not to prevent Escheat or Forfeiture of beneficial Interest.

XLVII. And be it enacted, That nothing contained in this Act shall prevent the Escheat or Forfeiture of any Lands or Personal Estate vested in any such Trustee or Mortgagee, so far as relates to any beneficial Interest therein of any such Trustee or Mortgagee, but such Lands or Personal Estate, so far as relates to any such beneficial Interest, shall be recoverable in the same Manner as if this Act had not passed.

Money of Infants and Persons of unsound Mind to be paid into Court.

XLVIII. And be it enacted, That where any Infant or Person of unsound Mind shall be entitled to any Money payable in discharge of any Lands, Stock, or Chose in Action conveyed, assigned, or transferred under this Act, it shall be lawful for the Person by whom such Money is payable to pay the same into the Bank of *England*, in the Name and with the Privity of the Accountant General, in trust in any Cause then depending concerning such Money, or, if there shall be no such Cause, to the Credit of such Infant or Person of unsound Mind, subject to the Order or Disposition of the said Court; and it shall be lawful for the said Court, upon Petition in a summary Way, to order any Money so paid to be invested in the Public Funds, and to order Payment or Distribution thereof, or Payment of the Dividends thereof, as to the said Court shall seem reasonable; and every Cashier of the Bank of *England* who shall receive any such Money is hereby required to give to the Person paying the same a Receipt for such Money, and such Receipt shall be

be an effectual Discharge for the Money therein respectively expressed to have been received.

Court may make a Decree in the Absence of a Trustee.

XLIX. And be it enacted, That where in any Suit commenced or to be commenced in the Court of Chancery it shall be made to appear to the Court by Affidavit that diligent Search and Inquiry has been made after any Person made a Defendant, who is only a Trustee, to serve him with the Process of the Court, and that he cannot be found, it shall be lawful for the said Court to hear and determine such Cause, and to make such absolute Decree therein against every Person who shall appear to them to be only a Trustee, and not otherwise concerned in Interest in the Matter in question, in such and the same Manner as if such Trustee had been duly served with the Process of the Court, and had appeared and filed his Answer thereto, and had also appeared by his Counsel and Solicitor at the Hearing of such Cause: Provided always, that no such Decree shall bind, affect, or in anywise prejudice any Person against whom the same shall be made, without Service of Process upon him as aforesaid, his Heirs, Executors, or Administrators, for or in respect of any Estate, Right, or Interest which such Person shall have at the Time of making such Decree for his own Use or Benefit, or otherwise than as a Trustee as aforesaid.

Powers of the Master.

L. And be it enacted, That when any Person shall, under the Provisions of this Act, apply to One of the Masters of the Court of Chancery in the first instance, and adduce Evidence, for the Purpose of obtaining the Certificate of such Master as a Foundation for an Order of the said Lord Chancellor, intrusted as aforesaid, or the said Court of Chancery, it shall be lawful for the said Master to order Service of such Application upon any Person, or to dismiss such Application, and to direct that the Costs of any Persons consequent thereon shall be paid by the Person making the same; and all Orders of the Master under this Act shall be enforced by the same Process as Orders of the Court made in any Suit against a Party thereto.

Costs may be paid out of the Estate.

LI. And be it enacted, That the Lord Chancellor, intrusted as aforesaid, and the Court of Chancery, may order the Costs and Expenses of and relating to the Petitions, Orders, Directions, Conveyances, Assignments, and Transfers to be made in pursuance of this Act, or any of them, to be paid and raised out of or from the Lands or Personal Estate, or the Rents or Produce thereof, in respect of which the same respectively shall be made, or in such Manner as the said Lord Chancellor or Court shall think proper.

LII. And

LII. And be it enacted, That upon any Petition being presented under this Act to the Lord Chancellor, intrusted as aforesaid, concerning a Person of unsound Mind, it shall be lawful for the said Lord Chancellor, should he so think fit, to direct that a Commission in the Nature of a Writ De lunatico inquirendo shall issue concerning such Person, and to postpone making any Order upon such Petition until a Return shall have been made to such Commission.

Commission concerning Person of unsound Mind.

LIII. And be it enacted, That upon any Petition under this Act being presented to the Lord Chancellor, intrusted as aforesaid, or to the Court of Chancery, it shall be lawful for the said Lord Chancellor or the said Court of Chancery to postpone making any Order upon such Petition until the Right of the Petitioner or Petitioners shall have been declared in a Suit duly instituted for that Purpose.

Suit may be directed.

LIV. And be it enacted, That the Powers and Authorities given by this Act to the Court of Chancery in *England* shall extend to all Lands and Personal Estate within the Dominions, Plantations, and Colonies belonging to Her Majesty (except *Scotland*).

Powers of Court of Chancery to extend to Property in the Colonies.

LV. And be it enacted, That the Powers and Authorities given by this Act to the Court of Chancery in *England* shall and may be exercised in like Manner and are hereby given and extended to the Court of Chancery in *Ireland* with respect to all Lands and Personal Estate in *Ireland*.

Powers given to Court of Chancery may be exercised by that Court in Ireland.

LVI. And be it enacted, That the Powers and Authorities given by this Act to the Lord Chancellor of *Great Britain*, intrusted as aforesaid, shall extend to all Lands and Personal Estate within any of the Dominions, Plantations, and Colonies belonging to Her Majesty (except *Scotland* and *Ireland*).

Powers of Lord Chancellor in Lunacy to extend to Property in the Colonies.

LVII. And be it enacted, That the Powers and Authorities given by this Act to the Lord Chancellor of *Great Britain*, intrusted as aforesaid, shall and may be exercised in like Manner by and are hereby given to the Lord Chancellor of *Ireland*, intrusted as aforesaid, with respect to all Lands and Personal Estate in *Ireland*.

Powers of Lord Chancellor in Lunacy may be exercised by Lord Chancellor of Ireland.

LVIII. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Instruments and in legal Proceedings, it shall be sufficient to use the Expression "The Trustee Act, 1850."

Short Title.

LIX. And be it enacted, That this Act shall come into operation on the First Day of *November* One thousand eight hundred and fifty.

Commencement of Act.

LX. And

Act may be amended, &c.

LX. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

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ANNO DECIMO TERTIO & DECIMO QUARTO

VICTORIÆ REGINÆ.

***

of Her Majesty shall extend to the Recovery of any Debt, Damage, or Demand not exceeding the Sum of Fifty Pounds, and to all Actions in respect thereof (save and except the several Actions specified in the Proviso in Section Fifty-eight of the same Act); and that the several Powers and Provisions of the said several Acts of the Tenth and Thirteenth Years of Her Majesty, and all Rules, Orders, and Regulations which have been or may be made in pursuance of the said Acts or either of them, shall extend to all Debts, Damages, and Demands which may be sued for in the said Courts or any of them not exceeding the Sum of Fifty Pounds, and to all Proceedings and Judgments for the Recovery of the same, or otherwise in relation thereto respectively, as fully and effectually, to all Intents and Purposes, as the same respectively are now or may be applicable to Debts, Damages, and Demands within the present Jurisdiction of the said Courts.

This Act to be construed with 9 & 10 Vict. c. 95. & 12 & 13 Vict. c. 101.

II. And be it enacted, That this Act and the said recited Acts of the Tenth and Thirteenth Years of Her Majesty shall be read and construed as One Act, as if the several Provisions in the said recited Acts contained, not inconsistent with the Provisions of this Act, were repeated and re-enacted in this Act.

Deputy Judge not to practise in District whilst he acts as Deputy.

Clerks, &c. to reside in District.

III. And be it enacted, That no Deputy Judge of any such County Court, save and except the *Westminster* County Court of *Middlesex*, shall, during the Time he acts or shall be entitled to act as such Deputy, practise as a Barrister in any Court within the District for which he acts or shall be entitled to act as such Deputy; and that every Clerk and Assistant Clerk appointed after the passing of this Act to any of such Courts shall reside within the District of the Court or Courts for which he shall have been appointed.

Power to remove Clerks, High Bailiffs, or Assistant Clerks.

IV. And be it enacted, That so much of the said Act of the Tenth Year of Her Majesty as relates to the Removal of Clerks or High Bailiffs of the Courts holden under the said Act shall be repealed; and it shall be lawful for the Lord Chancellor, or, where the whole of the District of the Court or Courts for which the Clerk or High Bailiff shall have been appointed is within the Duchy of *Lancaster*, for the Chancellor of the Duchy of *Lancaster*, when such Lord Chancellor or Chancellor of the Duchy shall in his Discretion think fit, to remove the Clerk, High Bailiff, or any Assistant Clerk of any such Court or Courts from his Office, and from Time to Time to make such Order as to the Attendance of any Clerk, Deputy Clerk, or Assistant Clerk, during the Sitting of the Court or otherwise, as he shall think fit: Provided always, that nothing herein contained shall affect the Tenure of Office of any Person who before the

the passing of the said Act held an Office in any of the Courts mentioned in the Schedule (A.) annexed to the said Act.

Fees to be taken according to Schedule.

V. And be it enacted, That there shall be payable on every Proceeding in the Courts holden under the said Act of the Tenth Year of Her Majesty, to the Judges, Clerks, and High Bailiffs of the several Courts, in every Case where the Sum sought to be recovered shall exceed Twenty Pounds, such Fees as are set down in the Schedule marked D. to the said Act of the Tenth Year of Her Majesty annexed as Fees payable upon Demands exceeding the Sum of Ten Pounds; and the Fees on every Proceeding shall be paid in the first instance by the Plaintiff or Party on whose Behalf such Proceeding is to be had on or before such Proceeding, and in default Payment thereof shall be enforced by Order of the Judge by such Ways and Means as any Debt or Damage ordered to be paid by the Court can be recovered; and the Fees upon Executions shall be paid into Court at the Time of the Issue of the Warrant of Execution, and shall be paid by the Clerk of the Court to the Bailiff upon the Return of the Warrant of Execution, and not before: Provided always, that it shall be lawful for One of Her Majesty's Principal Secretaries of State, with the Consent of the Commissioners of Her Majesty's Treasury, from Time to Time to regulate or vary, lessen or increase, the Fees payable under this Act or the said recited Acts, or either of them, in such Manner as to him shall seem fit: Provided also, that all Sums payable in the Name of Fees to such Officers of the Court as shall be paid by Salaries shall be paid from Time to Time to the Treasurer of the Court, and shall be applied by such Treasurer in the Manner provided by the said Act of the Tenth Year of Her Majesty.

Power to Secretary of State, with Consent of the Treasury, to alter Fees.

Fees to be taken by Barristers and Attornies.

VI. And be it enacted, That the Fees to be taken by Barristers at Law and Attornies practising in the said Courts, in Cases brought within the Jurisdiction given by this Act, shall be as follows; an Attorney shall be entitled to have or recover a Sum not exceeding One Pound Ten Shillings for his Fees and Costs, where the Debt, Damage, or Demand claimed in any Plaint in Covenant, Debt, Detinue, or Assumpsit shall not exceed Thirty-five Pounds, or Two Pounds in any other Case, within the Jurisdiction given by this Act; and in no Case shall any Fee exceeding Two Pounds Four Shillings and Sixpence be allowed for employing a Barrister as Counsel in the Cause; and the Expense of employing a Barrister or an Attorney, either by Plaintiff or Defendant, shall not be allowed on Taxation of Costs, unless by Order of the Judge; and the Judges of the said Courts respectively shall from Time to Time determine in what Cases such Expenses shall be so allowed.

VII. And

Power of paying Judges, Clerks, and High Bailiffs by Salary instead of Fees given to the Lords of the Treasury and the Secretary of State.

VII. And be it enacted, That so much of the said Act of the Tenth Year of Her Majesty as enacts that it shall be lawful for Her Majesty, with the Advice of Her Privy Council, to order that the Judges, Clerks, Bailiffs, and Officers of the Courts holden under that Act, or any of them, shall be paid by Salaries instead of Fees, or in any Manner other than is provided by that Act, shall be repealed; and that it shall be lawful for the Commissioners of Her Majesty's Treasury, with the Consent of One of Her Majesty's Principal Secretaries of State, from Time to Time to order that the Judges, Clerks, Bailiffs, and Officers of the said Courts, or any of them, shall be paid by Salaries instead of Fees, or in any Manner other than is provided by the said Act.

Confession of Debts or Parts of Debts, &c., and Judgment thereupon.

VIII. And be it enacted, That any Person against whom a Plaint shall be entered in any County Court may, if he think fit, whether he be summoned upon such Plaint or not, in the Presence of the Clerk or Assistant Clerk of the Court in which such Plaint shall have been entered, or One of their Clerks respectively, or in the Presence of an Attorney of One of the Superior Courts, sign a Statement confessing and admitting the Amount of the Debt or Demand or Part of the Amount of the Debt or Demand for which such Plaint shall have been entered, and such Clerk or Assistant Clerk shall, as soon as conveniently may be after receiving such Statement, send Notice thereof to the Plaintiff, by the Post or by causing the same to be delivered at his usual Place of Abode or Business, and thereupon it shall not be necessary for the said Plaintiff to prove the Debt or Demand so confessed and admitted as aforesaid, but the Judge of such Court, at the next Sitting of such Court, whether the Parties or either of them attend such Court or not, shall, upon Proof by Affidavit of the Signature of the Party, if such Statement were not made in the Presence of the Clerk or Assistant Clerk, proceed to give Judgment for the Debt or Demand so confessed and admitted, in the same Manner, and subject to the same Conditions, as if he had tried the Cause, and given Judgment thereupon, under the Provisions of the said first-recited Act.

Agreement as to the Amount of Debt, &c., and Conditions of Payment.

IX. And be it enacted, That if the Person against whom a Plaint shall be entered in any County Court can agree with the Person on whose Behalf such Plaint shall have been entered upon the Amount of the Debt or Demand in respect of which such Plaint shall have been entered, and upon the Terms and Conditions upon which the same shall be paid or satisfied, it shall be lawful for such Persons respectively, in the Presence of the Clerk or Assistant Clerk of the Court in which such Plaint shall have been entered, or One of their Clerks respectively, or in the Presence of an Attorney of One of the

Superior Courts, to sign a Statement of the Amount of the Debt or Demand so agreed upon between such Persons respectively, and of the Terms and Conditions upon which the same shall be paid or satisfied, such Clerk or Assistant Clerk shall receive such Statement, and shall thereupon, upon Proof by Affidavit of the Signature of the Party, if such Statement were not made in the Presence of the Clerk or Assistant Clerk, enter up Judgment for the Plaintiff for the Amount of the Debt or Demand so agreed on, and upon the Terms and Conditions mentioned in such Statement; and such Judgment shall to all Intents and Purposes be the same, and have the same Effect, and shall be enforced and enforceable in the same Manner, as if it had been a Judgment of the Judge of the said Court.

If Plaintiff or his Attorney do not appear on Day of Hearing, Costs may be awarded to Defendant for his Trouble and Attendance.

X. And be it enacted, That in every Case where the Plaintiff shall not appear, either by himself or his Attorney, upon the Day of the Return of any Summons for Hearing, or at any Continuation or Adjournment of the said Hearing, and the Defendant shall appear either by himself or his Attorney upon such Day of Hearing, Continuation, or Adjournment, it shall be lawful for the Judge to award to the Defendant or to his Attorney, by way of Costs of his Attendance and Satisfaction for his Trouble such Sum as the Judge in his Discretion shall think fit; and the Sum so awarded shall be recoverable from the Plaintiff by such Ways and Means as any Debt or Damage ordered to be paid by the same Court can be recovered.

Plaintiffs recovering in the Superior Courts Sums not exceeding 20*l.* in Actions of Contract, or 5*l.* in Actions of Tort, over which the County Court has Jurisdiction, to have no Costs.

XI. And be it enacted, That if in any Action commenced after the passing of this Act in any of Her Majesty's Superior Courts of Record, in Covenant, Debt, Detinue, or Assumpsit, not being an Action for Breach of Promise of Marriage, the Plaintiff shall recover a Sum not exceeding Twenty Pounds, or if, in any Action commenced after the passing of this Act in any of Her Majesty's Superior Courts of Record, in Trespass, Trover, or Case, not being an Action for malicious Prosecution, or for Libel, or for Slander, or for Criminal Conversation, or for Seduction, the Plaintiff shall recover a Sum not exceeding Five Pounds, the Plaintiff shall have Judgment to recover such Sum only, and no Costs, except in the Cases herein-after provided, and except in the Case of a Judgment by Default; and it shall not be necessary to enter any Suggestion on the Record to deprive such Plaintiff of Costs, nor shall any such Plaintiff be entitled to Costs by reason of any Privilege as Attorney or Officer of such Court or otherwise.

Judge at the Trial may certify, to entitle the Plaintiff to Costs.

XII. Provided always, and be it enacted, That if the Plaintiff shall in any such Action as aforesaid recover a Sum less than the Sum in that Behalf herein-before mentioned, by Verdict, and the Judge or

or other presiding Officer before whom such Verdict shall be obtained shall certify on the Back of the Record that it appeared to him at the Trial that the Cause of Action was one for which a Plaint could not have been entered in any such County Court as aforesaid, or that it appeared to him at the Trial that there was a sufficient Reason for bringing the said Action in the Court in which the said Action was brought, the Plaintiff in such Case shall have the same Judgment to recover his Costs that he would have had if this Act had not been passed.

If the Court, or a Judge at Chambers, make an Order, the Plaintiff to have Costs.

XIII. Provided also, and be it enacted, That if in any such Action, whether there be a Verdict in such Action or not, the Plaintiff shall make it appear to the Satisfaction of the Court in which such Action was brought, or to the Satisfaction of a Judge at Chambers upon Summons, that the said Action was brought for a Cause in which concurrent Jurisdiction is given to the Superior Courts by the Hundred and twenty-eighth Section of the said recited Act of the Tenth Year of Her Majesty, or for which no Plaint could have been entered in any such County Court, or that the said Cause was removed from a County Court by Certiorari, then and in any of such Cases the Court in which the said Action is brought, or the said Judge at Chambers, may thereupon, by Rule or Order, direct that the Plaintiff shall recover his Costs, and thereupon the Plaintiff shall have the same Judgment to recover his Costs that he would have had if this Act had not been passed.

Parties aggrieved may appeal.

XIV. And be it enacted, That if either Party in any Cause of the Amount to which Jurisdiction is given to the County Courts by this Act shall be dissatisfied with the Determination or Direction of the said Court in Point of Law, or upon the Admission or Rejection of any Evidence, such Party may appeal from the same to any of the Superior Courts of Common Law at *Westminster*, Two or more of the Puisne Judges whereof shall sit out of Term as a Court of Appeal for that Purpose, provided that such Party shall, within Ten Days after such Determination or Direction, give Notice of such Appeal to the other Party, or his Attorney, and also give Security, to be approved by the Clerk of the Court, for the Costs of the Appeal, whatever be the Event of the Appeal, and for the Amount of the Judgment, if he be the Defendant and the Appeal be dismissed; provided nevertheless, that such Security, so far as regards the Amount of the Judgment, shall not be required in any Case where the Judge of the County Court shall have ordered the Party appealing to pay the Amount of such Judgment into the Hands of the Clerk of the County Court in which such Action shall have been tried, and the same shall have been paid accordingly; and the said Court of Appeal may either order

order a new Trial on such Terms as it thinks fit, or may order Judgment to be entered for either Party, as the Case may be, and may make such Order with respect to the Costs of the said Appeal as such Court may think proper; and such Orders shall be final.

Appeal to be in the Form of a Case agreed on by both Parties, but if they cannot agree Judge to settle and sign it.

XV. And be it enacted, That such Appeal shall be in the Form of a Case agreed on by both Parties, or their Attornies, and if they cannot agree the Judge of the County Court, upon being applied to by them or their Attornies, shall settle the Case and sign it; and such Case shall be transmitted by the Appellant to the Rule Department of the Master's Office of the Court in which the Appeal is to be brought.

No Certiorari, &c. to be allowed.

XVI. And be it enacted, That no Judgment, Order, or Determination given or made by any Judge of a County Court, nor any Cause or Matter brought before him or pending in his Court, shall be removed by Appeal, Motion, Writ of Error, Certiorari, or otherwise, into any other Court whatever, save and except in the Manner and according to the Provisions herein-before mentioned.

In certain Cases, on Agreement of the Parties, Court shall have Power to try Causes although the Matters be beyond its Jurisdiction.

XVII. And be it enacted, That if both Parties shall agree, by a Memorandum signed by them or by their Attornies, that the County Court shall have Power to try any of the Actions herein-before respectively mentioned in which the Sum sought to be recovered shall exceed the Sum of Five Pounds by the said recited Act or Fifty Pounds by this Act limited in the Case of such Actions respectively, or any Action in which the Title to Land, whether of Freehold, Copyhold, Leasehold, or other Tenure, or to any Tithe, Toll, Market, Fair, or other Franchise, shall be in question, then and in such Case the said Court shall have Jurisdiction and Power to try such Action: Provided always, that the said Parties or their Attornies shall state in their said Memorandum of Agreement, that they know such Cause of Action to be above the said Sums respectively, or that they know such Title to come in question in such Action, and provided that such Memorandum shall be filed with the Clerk of the said Court at the Time of filing the Demand of the Plaintiff: Provided also, that all local Actions to be tried before any County Court with the Consent of the Parties shall be brought and tried in that Jurisdiction only in which the Lands, Tenements, or Hereditaments or some Part thereof are situate are in respect whereof such Actions shall be brought.

No Second Suit in Second Court for the same Cause.

XVIII. And be it enacted, That if any Party shall sue another in any County Court for any Debt or other Cause of Action for which he hath already sued him, and obtained Judgment, in any other Court, the Proof of such former Suit having been brought and Judgment obtained may be given, and the Party so suing shall not be entitled

to

Treble Costs.

to recover in such Second Suit, and shall be adjudged to pay Three Times the Costs of such Second Suit to the opposite Party.

No Action to be brought against Bailiff, &c. acting under Order of the Court without Notice; and Clerk of the Court to be made Defendant in the Suit.

XIX. And be it enacted, That from and after the passing of this Act no Action shall be brought against any High Bailiff or Bailiff, or against any Person or Persons acting by the Order and in aid of any High Bailiff, for anything done in obedience to any Warrant under the Hand of the Clerk or Clerks of the said Court and the Seal of the said Court, until Demand hath been made or left at the Office of such High Bailiff by the Party or Parties intending to bring such Action, or by his, her, or their Attorney or Agent, in Writing, signed by the Party demanding the same, of the Perusal and Copy of such Warrant, and the same hath been refused or neglected by the Space of Six Days after such Demand; and in case after such Demand and Compliance therewith, by showing the said Warrant to and permitting a Copy to be taken thereof by the Party demanding the same, any Action shall be brought against such High Bailiff, Bailiff, or other Person or Persons acting in his Aid for any such Cause as aforesaid, without making the Clerk or Clerks of the said Court who signed or sealed the said Warrant Defendant or Defendants, that on producing or proving such Warrant at the Trial of such Action, the Jury shall give their Verdict for the Defendant or Defendants, notwithstanding any Defect of Jurisdiction or other Irregularity in the said Warrant; and if such Action be brought jointly against such Clerk or Clerks, and also against such High Bailiff or Bailiff, or Person or Persons acting in his or their Aid as aforesaid, then on Proof of such Warrant the Jury shall find for such High Bailiff or Bailiff, and for such Person or Persons so acting as aforesaid, notwithstanding such Defect or Irregularity as aforesaid; and if the Verdict shall be given against the said Clerk or Clerks, that in such Case the Plaintiff or Plaintiffs shall recover, his, her, or their Costs against him or them, to be taxed in such Manner by the proper Officer as to include such Costs as such Plaintiff or Plaintiffs are liable to pay to such Defendant or Defendants for whom such Verdict shall be found as aforesaid; and if any Action shall be brought the Defendant or Defendants shall and may plead the General Issue, and give the special Matter in Evidence at any Trial had thereupon.

So much of 9 & 10 Vict. c. 95. as requires a Landlord, where Rent is in arrear for Premises wherein Goods have

XX. And whereas by the said Act passed in the Tenth Year of Her present Majesty, intituled *An Act for the more easy Recovery of Small Debts and Demands in* England, it is enacted, that in Cases of Rent being in arrear in respect of Premises wherein Goods may have been taken in Execution under and by virtue of the said Act it should be lawful for the Landlord, by Writing to be delivered to the Bailiff or Officer making the Levy, which Writing should state the Terms of

Holding and Rent payable for the same, to claim any Rent in arrear as therein mentioned: And whereas so much of the said Enactment as requires that the Claim of Rent to be made by Writing stating the Terms of Holding may lead to technical Objections and unnecessary Prolixity: And whereas also it is expedient to obviate certain Difficulties which have arisen as to the Landlord's Right to Priority of Payment upon the Construction of the said Enactment: Be it therefore enacted, That so much of the said Act as requires that the said Writing and Claim should state the Terms of Holding shall be and is hereby repealed, and that it shall be a sufficient Notice of Claim, to entitle the Landlord to all the Benefit given to Landlords under the said Act, that such Writing and Claim shall state the Amount of the Rent claimed to be in arrear and unpaid, and the Time for and in respect of which such Rent is claimed to be due, in like Manner as is now required by Law in Cases of ordinary Distress for Rent, and no further or otherwise; and also that no Execution Creditor under the said Act or this Act shall be satisfied his Debt out of the Proceeds of such Execution and Distress, or Execution only where the Tenant shall replevy, until the Landlord who shall conform to the Provisions of the said Act as amended by this Act shall have been paid the Rent in arrear for the Periods in the said Act limited.

been taken in Execution, to state in Writing the Terms of Holding, &c. repealed.

To entitle Landlord to Benefit under recited Act it shall be sufficient to state the Amount of Rent claimed, &c.

XXI. And be it enacted, That the Enactments contained in the said Act, as altered and amended in this Act, relating to the Claims of Landlords for Rent in arrear where Goods on the Premises demised have been taken in Execution, shall apply and extend to Goods taken in Execution under the Authority of this Act, in as full and beneficial a Manner as if the same Enactments were re-enacted in the like Terms in this Act.

Enactments of recited Act as altered by this Act as to certain Claims of Landlords to extend to Goods taken in Execution.

XXII. And be it enacted, That it shall be lawful for any Judge of any of Her Majesty's Superior Courts of Common Law at *Westminster*, as well in Term Time as in Vacation, to hear and determine Applications for Writs of Prohibition directed to the Judges of the said County Courts, and to make such Rules or Orders for the issuing of such Writs as might have been made by the Court, and all such Rules or Orders so made by any such Judge shall have the same Force and Effect as Rules of Court for such Purposes now have, and such Writs shall be issued by virtue of such Rules or Orders as well in Term Time as in Vacation: Provided always, that any Rule or Order made by any such Judge, or any Writ issued by virtue thereof, may be discharged or varied or set aside by the Court, on Application made thereto by any Party dissatisfied with such Rule or Order.

Judges may hear Applications for Writs of Prohibition either in Term or in Vacation.

Before whom Affidavits may be sworn.

XXIII. And be it enacted, That all Affidavits to be used in the Courts holden under the said Act of the Tenth Year of Her Majesty shall and may be sworn before any Judge of the said Courts, or any Master Extraordinary in Chancery, or Commissioner for taking Affidavits in any of the Superior Courts of *Westminster*, or before a Magistrate of the County, City, Town, or Place where any such Affidavit may be sworn.

Town Halls, &c. to be used free of Rent-charge for Sittings of County Court.

XXIV. And be it enacted, That in every Town or Place where there shall be a Court holden under the Provisions of the said Act of the Tenth Year of Her Majesty, the Town Hall, Court House, or other public Building belonging to any County, City, Borough, or Town shall be used for the Purposes of holding the Courts under the said Act, without any Charge for Rent or other Payment, save and except the reasonable and necessary Charges for lighting, warming, and cleaning when such public Building is used for the Purpose of the Courts, and for all other Expenses necessarily incidental to the Use of the said Building for the Purposes of the Courts: Provided always, that the necessary Arrangements shall be made so that the Sittings of the said Courts shall not interfere with the Business of the County, City, Borough, or Town usually transacted in such Town Hall, Court House, or other public Building, or with any Purposes for which such Town Hall, Court House, or other public Building may be used by virtue of any Local Act in that Behalf: Provided also, that this Enactment shall not apply to any City, Borough, or Town in which a Building hath previously to the passing of this Act been erected for the Purposes of holding the Courts under the said Act and for the Business connected with such Courts, nor shall anything in this Act contained be held, deemed, or taken to prejudice, affect, or otherwise interfere with any Lease, Contract, Agreement, or Engagement already entered into for the Leasing, Erection, Hiring, or Occupation of any Building for the Purposes of holding such Courts therein and transacting therein the Business relating to such Courts.

Act may be amended or repealed.

XXV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

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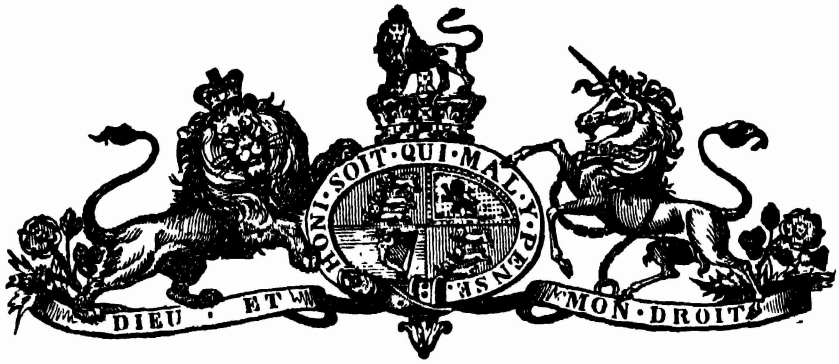

ANNO DECIMO TERTIO & DECIMO QUARTO

VICTORIÆ REGINÆ.

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Naval Pay and Wages may be computed by the Day or any other Period of Time.

by the Authority of the same, That, notwithstanding anything in the recited Act contained, or any Custom to the contrary, it shall be lawful to cast and compute Naval Pay and Wages by the Day or for such other Period of Time as the Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, or the Commissioners for executing the Office of Lord High Admiral of the said United Kingdom, for the Time being, may at any Time or Times fix and determine.

Clerks who have passed Examination, &c. may draw Bills for personal Pay at Times to be appointed, notwithstanding anything in recited Act.

II. And be it enacted, That, notwithstanding anything in the recited Act contained, it shall be lawful for Clerks who have passed their Examination for Paymasters and Pursers, under such Regulations, Limitations, and Restrictions as have now or may at any Time or Times hereafter be established by the said Lord High Admiral or the said Commissioners for the Time being, to draw a Bill of Exchange or a Set of Bills of the same Tenor and Date, upon the Accountant General of the Navy, for the net personal Pay which shall be due to them, at such Times, and for such Periods of Time, either at the Expiration of every Three Calendar Months or otherwise, as the said Lord High Admiral or the said Commissioners shall at any Time or Times appoint in that Behalf.

Act may be amended, &c.

III. And be it enacted, That this Act may be amended or repealed by any Act to be passed during the present Session of Parliament.

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dred and forty-eight thousand five hundred and fifty Pounds and Nine-pence Halfpenny, and all Persons, Bodies Politic and Corporate, which at any Time or Times thereafter should have or be entitled to any Part, Share, or Interest of or in the said Capital Sums amounting to Two hundred and forty-eight thousand five hundred and fifty Pounds and Nine-pence Halfpenny, so long as they respectively should have any Part, Share, or Interest therein, to be One Body Politic and Corporate by such Name as the King's Majesty should think most proper, and that the said Corporation should have perpetual Succession (subject nevertheless to such Redemption as therein-after appointed in that Behalf); and it was by the said Act enacted, that the said Capital Sums amounting to Two hundred and forty-eight thousand five hundred and fifty Pounds and Nine-pence Halfpenny should be and be deemed to be the Capital or Joint Stock of the said Corporation, and that the Shares and Interests of the particular Members of and in the same from Time to Time should be assignable, transferable, and deviseable in such Manner as the King's Majesty by the said Letters Patent should prescribe and appoint, until the Redemption thereof; and it was thereby enacted, that from and after the granting such Letters Patent the said Fund of Ten thousand Pounds *per Annum* should be paid to the same Corporation, or to their Cashier for the Time being for their Use, and to be divided and distributed to and amongst the several Members thereof according and in proportion to their respective Shares of and in the said Capital or Joint Stock of the same; and it was thereby provided, that at any Time, upon Payment by the Parliament of *Great Britain* of the said Capital Sum of Two hundred and forty-eight thousand five hundred and fifty Pounds and Nine-pence Halfpenny, without any Deduction or Abatement whatsoever to be made out of the same or any Part thereof, and of all Arrears of the said yearly Fund of Ten thousand Pounds then due, computing the same quarterly till the End of the then next preceding Quarter of a Year, and from thenceforth by the Day until the Day of such Payment made, (if any such Arrears were,) then and from thenceforth the said Fund of Ten thousand Pounds *per Annum* should cease and determine; and by the said Act Provision is made for Payment to the said Corporation, until the said annual Sum of Ten thousand Pounds should be redeemed, of the further annual Sum of Six hundred Pounds, for and towards the Charge of Management and other necessary Charges in receiving and distributing of the said Annuity of Ten thousand Pounds payable to the said Corporation and the several Members thereof: And whereas in pursuance of the said Act His said Majesty King *George* the First did, by Letters Patent under the Great Seal, bearing Date at *Westminster* the Twenty-first Day of *November* in the Eleventh Year of the Reign of His said Majesty, grant and appoint

appoint that all Persons, Bodies Politic and Corporate, who then were Proprietors of the Debts and Sums of Money stated to amount to the said Principal Sum of Two hundred and forty-eight thousand five hundred and fifty Pounds and Nine-pence Halfpenny, and who thereafter should have or be entitled to any Part, Share, or Interest of or in the said Capital Sum, should be One Body Politic and Corporate by the Name of the Equivalent Company, and by that Name should have perpetual Succession, subject to such Redemption as in the said Act and therein appointed in that Behalf; and in such Letters Patent it is provided, that upon Payment by the Parliament of *Great Britain* of the said Capital Sum of Two hundred and forty-eight thousand five hundred and fifty Pounds and Nine-pence Halfpenny, and of all Arrears of the said yearly Fund of Ten thousand Pounds, then and from thenceforth the Grant now in recital, and the Corporation thereby created, should cease, determine, and be utterly void: And whereas it is desirable that the said yearly Fund should be redeemed, and that the said Equivalent Company should be enabled to receive the said Sum of Two hundred and forty-eight thousand five hundred and fifty Pounds and Nine-pence Halfpenny, and to distribute the same among the Persons entitled to Shares in their Capital or Joint Stock, according to their respective Rights and Interests: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for the Commissioners of Her Majesty's Treasury, out of the growing Produce of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, to cause to be paid into the Bank of *England*, to the Credit of the said Equivalent Company, the Sum of Two hundred and forty-eight thousand five hundred and fifty Pounds and Nine-pence Halfpenny, and all Arrears (if any) of the said yearly Fund of Ten thousand Pounds until the Day of such Payment into the said Bank, which Payment shall be deemed a due Payment by Parliament of the said Capital Sum and Arrears, according to the Provisions of the said recited Act; and upon such Payment as aforesaid, the said Fund of Ten thousand Pounds, and the said further annual Sum of Six hundred Pounds, shall cease to be payable.

Redemption Money to be paid into the Bank of England.

II. And be it enacted, That the said Equivalent Company shall, during Twelve Calendar Months next after Payment as aforesaid of the said Sum of Two hundred and forty-eight thousand five hundred and fifty Pounds and Nine-pence Halfpenny, and of such Arrears (if any) as aforesaid, continue to be a Body Politic and Corporate for the Purpose of winding-up the Affairs of the said Company, realizing the Property and Effects thereof, discharging its Liabilities, and

Equivalent Company to continue a Corporation for the Purpose of Distribution of Redemption Money.

and dividing and distributing the Money to be paid into the said Bank as aforesaid, and other the clear Property and Effects of the said Company or the Produce thereof, to and amongst the several Members thereof, according and in proportion to their respective Shares of and in the Capital or Joint Stock of the said Company; and the Persons who at the Time of such Payment as aforesaid into the said Bank are Members of the said Corporation, and the Persons who at such Time are the Directors of the said Corporation, or the Survivors of them, shall during the said Period continue such Members and Directors respectively, notwithstanding the Receipt by any of them of their Shares or Proportions of or in the said Sum of Two hundred and forty-eight thousand five hundred and fifty Pounds and Nine-pence Halfpenny, and the said Company and such Members and Directors respectively shall, during the Period and for the Purposes aforesaid, have, exercise, and enjoy all such Powers and Privileges as by and under the said recited Act and Letters Patent are conferred on such Company and the Directors and other Members thereof, anything in the said recited Act or Letters Patent to the contrary notwithstanding.

Act may be amended, &c.

III. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

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VICTORIÆ REGINÆ.

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CAP. LXIV.

An Act to provide for more effectually maintaining, repairing, improving, and rebuilding Bridges in Cities and Boroughs. [14th *August* 1850.]

WHEREAS it is expedient that all Bridges in any City or Borough, which such City or Borough, and not the County in which such City or Borough is situate, is legally bound to maintain and repair, should be under the sole Management and Control of the Council of such City or Borough: And whereas it is also expedient that such Council of such City or Borough should in certain Cases be empowered to borrow on the Security of the Rate of such City or Borough the Money which may from Time to Time be required for the Purpose of maintaining, altering, widening, repairing, improving, and rebuilding such Bridges: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act every Bridge which is either wholly or in part within the Limits of any City or Borough in which there is or shall be a Body Corporate, of Mayor, Aldermen,

Providing for the Repairs and rebuilding of Bridges within Limits

of Corporate Cities or Boroughs. 5 & 6 W. 4. c. 76.

Aldermen, and Burgesses, under the Provisions of an Act passed in the Sixth Year of the Reign of His late Majesty, intituled *An Act to provide for the Regulation of Municipal Corporations in* England *and* Wales, or of any Charter granted in pursuance of that or of any subsequent Act, and which Bridge such City or Borough, and not the County in which such City or Borough is situate, is legally bound to maintain or repair, shall, as to the whole of such Bridge, if the same is wholly within the Limits of such City or Borough, or as to such Part as is within the Limits of such City or Borough, if Part only is within such Limits, be maintained, altered, widened, repaired, improved, or rebuilt under the sole Management and Control of the Council of such City or Borough.

Councils may direct Payment of necessary Amount of Money out of Rates.

II. And be it enacted, That for the Purposes of this Act such Council of any such City or Borough, at any Meeting of such Council, shall have and may exercise all the Powers which the Justices of the Peace of any County at their General or Quarter Session of the Peace, or at any other Time, now have and may exercise with respect to any County Bridge, or as near thereto as the Nature of the Case will admit; and that it shall and may be lawful for such Council, and they are hereby empowered, to order and direct that such Sum or Sums of Money as shall be necessary for the Purposes aforesaid shall be paid, out of the Rate of such City or Borough, by the Treasurer for the Time being of such City or Borough, at such Times and in such Manner as to the said Council shall seem fit: Provided always, that it shall not be necessary for the Council of any such City or Borough to cause any Notice to be given or published in any Newspaper in any Case in which Notice is required to be given or published with respect to County Bridges.

Council may borrow Money for the Purpose of maintaining or rebuilding Bridges.

III. And be it enacted, That when and so often as it shall appear to the Council of any such City or Borough, at any Meeting of such Council holden at any Time after the passing of this Act, that the Amount of any Estimate approved of by such Council for the maintaining, altering, widening, repairing, improving, or rebuilding of any such Bridge or Bridges, or any Part thereof, or the Approaches thereto, which any such City or Borough, and not the County in which such City or Borough is situate, is legally bound to maintain and repair, shall exceed the Sum of One hundred and fifty Pounds, it shall and may be lawful for such Council and they are hereby empowered, after having first entered a Statement of the Amount of such Estimate in the Minute Book of the Council, to borrow and take up on Mortgage of the Rate of such City or Borough, by an Instrument in the Form contained in the Schedule to this Act

annexed marked (A.), or to the like Effect, any Sum or Sums of Money not exceeding the Amount of such Estimate, in Sums of not less than Fifty Pounds each, at Interest, as to the said Council shall appear necessary and expedient, for the Purposes aforesaid or any of them, and to secure every such Sum of Money so borrowed upon the Credit of the said Rate; and it shall and may be lawful for such Council at any such Meeting, and they are hereby authorized and empowered, to treat and agree with any Person or Persons for the Loan of any such Sum or Sums of Money; and every such Instrument under the Hand of the Mayor or other Member of the Council who shall happen to preside at any such Meeting as aforesaid, and under the Corporate Seal of the said City or Borough, shall be and the same is hereby declared to be effectual for securing the Money therein expressed to be advanced, with Interest thereon, to the Person or Persons advancing the same, on such Terms as in and by such Instrument shall be stipulated; and a Copy of every such Instrument shall be kept by the Town Clerk of any such City or Borough as aforesaid; and it shall and may be lawful for any Person or Persons who shall be entitled to the Money thereby secured, and for his, her, or their Executors or Administrators, and such Person or Persons, and his, her, or their Executors or Administrators, are hereby empowered, by endorsing his, her, or their Name or Names on the Back of any such Instrument, and by giving Notice of such Endorsement to the Town Clerk for the Time being, to transfer the same, and his, her, or their Right to the Principal Money and Interest thereby secured, unto any Person or Persons; and every such Assignee or Assignees, his, her, or their Executors or Administrators, may in like Manner transfer the same again, and so *toties quoties;* and the Person or Persons to whom any such Transfer thereof shall be made, and his, her, or their Executors, Administrators, or Assigns, shall be a Creditor or Creditors upon the said Rate in an equal Degree one with another, and shall not have any Preference with respect to the Priority of any Monies so advanced as aforesaid.

Interest on Monies borrowed to be a Charge upon the Rates.

IV. And be it enacted, That it shall and may be lawful for such Council and they are hereby authorized and required to charge the Rate to be raised in such City or Borough, not only with the Interest of the Money so borrowed, but also with the Payment of such further Sum as shall ensure the Payment of the whole of the Sum borrowed within Fourteen Years from the Time of borrowing the same, and such Sums shall be assessed on such City or Borough in such Manner as Borough Rates are directed to be assessed under the Laws in force for that Purpose, and shall be paid and applied, under the Direction of

of such Council, in discharge of the Interest, and of so many of the Principal Sums on the said Securities as such Money will extend to discharge in each Year, until the whole of the Money for which such Securities shall be made, and the Interest thereof, shall be fully paid and discharged; and the Council shall and they are hereby required to fix One or more Day or Days in each Year on which such Payment shall be made, and shall give Directions for Assessments to be made in due Time, so as to provide for the regular Payment thereof; and the Treasurer of such City or Borough shall and he is hereby required to keep an exact and regular Account of all the Receipts and Payments under the Authority of this Act, in a Book or Books, separate and apart from all other Accounts, and the same to adjust and settle in such Manner that it may easily be seen what Interest is growing due and what Principal Money has been discharged, and what remains due, and the Books or Book so adjusted and settled to lay before the Council at every quarterly Meeting of such Council; and such Council shall also and they are hereby required, at every such quarterly Meeting, carefully to inspect all such Accounts, and to give such Orders and Directions for carrying the Purposes of this Act into execution, in such Manner as to them shall seem meet; and such Council at such quarterly Meeting as aforesaid shall direct in what Order such Securities shall be discharged, by drawing Lots or otherwise, as they shall think fit: Provided always, that they shall in the first place discharge all such Securities as shall bear the highest Rate of Interest.

Repair of Bridges included within Boundaries of Municipal Boroughs. 5 & 6 W. 4. c. 76.

V. And whereas by the Extension of the Boundaries of certain Boroughs under the Provision of the Act of the Fifth and Sixth Year of King *William* the Fourth, intituled *An Act to provide for the Regulation of Municipal Corporations in* England *and* Wales, certain Bridges and Parts of Bridges have been included within the Boundaries of those Cities and Boroughs, and are thereby subject to the Jurisdiction of such Cities or Boroughs, which Bridges before the passing of such Act were maintained as to the whole or such Parts thereof as were within the Limits of such Cities and Boroughs by the Inhabitants thereof, and the remaining Bridges and Parts of Bridges which were not situate within such Limits were maintained by the Inhabitants of the Counties or Ridings respectively adjoining thereto: And whereas Doubts have arisen respecting the future Repairs and Maintenance of such Bridges: Be it therefore enacted, That every Bridge which is wholly or in part included within the Boundary of any such City or Borough the Inhabitants whereof, before the passing of the said recited Act, were by Prescription or otherwise liable to and did maintain the Bridges and Parts

Parts of Bridges within their respective Cities and Boroughs, shall as to the whole of such Bridges, if the same is wholly within the Limits of such City or Borough, or as to such Part as is within the Limits of such City or Borough if Part only is within such Limits, be maintained, altered, widened, and repaired, improved or rebuilt, under the sole Management and Control of the Council of such City or Borough.

VI. And be it enacted, That this Act may be amended or repealed by any Act passed in this present Session of Parliament. Act may be amended, &c.

The SCHEDULE to which this Act refers.

(A.)

Form of Mortgage and Charge upon the Borough Rate for securing Money borrowed.

I *A.B.* [Mayor, Alderman, *or* Councillor, *as the Case may be,*] of the [City *or* Borough of], and Chairman of a certain Meeting of the Council of the said [City *or* Borough of , *as the Case may be,*] duly holden at aforesaid on the Day of in the Year of our Lord in pursuance of the Powers to me given by an Act passed in the Year of the Reign of Her Majesty Queen Victoria, intituled [*insert Title of Act*], do hereby mortgage and charge all the Rates to be raised within the said [City *or* Borough] under the Description of Borough Rates by the Laws now in being with the Payment of the Sum of Pounds, which *C.D.* of hath proposed and agreed to lend, and hath now actually advanced and paid, towards defraying the Expenses of [maintaining, altering, widening, repairing, improving, *or* rebuilding, *as the Case may be,*] a certain Bridge called , [*or*] certain Bridges called and within the said [City *or* Borough], and the Approaches thereto [*as the Case may be*]; and I do hereby assign the same unto the said *C.D.*, his Executors, Administrators, and Assigns, for securing the Payment of the Sum of Pounds, and Interest for the same after the Rate of Pounds per Centum per Annum, and do order the Treasurer for the said [City *or* Borough] to pay the Interest of the said Sum of after the Rate aforesaid, half-yearly as the same shall become due. until the Principal shall be discharged, pursuant to the Directions of the said Act.

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Town Hall of the said Borough, and on or near the Door of every Church or Chapel within the said Borough, and to be inserted in some Newspaper published in such Borough, or, if there be none such, in some Newspaper published in the County in which such Borough is situate, and circulating in such Borough, specifying on what Day, not earlier than Ten Days after the affixing and Publication of such Notices, and at what Place or Places within the said Borough, the Burgesses are required to signify their Votes for or against the Adoption of this Act; which Votes shall be received on such Day, commencing at Nine of the Clock in the Forenoon and ending at Four of the Clock in the Afternoon of such Day; and the said Notice shall be to the Effect of Form No. 1. in the Schedule hereto annexed.

Mayor to appoint Places for taking the Votes.

II. And be it enacted, That the Mayor shall appoint Places and Persons for taking the said Votes, and they shall be there taken by such Persons, and such Questions may be put to each Voter, and with such Liability in case of a false Answer, as at Elections under the Act to provide for the Regulation of Municipal Corporations in *England* and *Wales;* and the Declaration of Vote of the Voters shall be to the Effect of Form No. 2. in the said Schedule.

Burgesses on the Burgess Roll entitled to vote.

III. And be it enacted, That every Burgess who shall be enrolled on the Burgess Roll for the Time being of such Borough shall be entitled to vote for or against the Adoption of this Act, and no Person who shall not be enrolled on such Burgess Roll for the Time being shall be entitled so to vote; and the Mayor, in the Presence of Two or more Members of the Town Council of such Borough, shall examine the Votes, and shall, by public Notice in manner herein-after mentioned, declare whether Two Thirds of the Votes given have been given in favour of the Adoption of the said Act; and the Adoption or Non-adoption of this Act shall be decided by such Number of Votes as aforesaid; and Notice of the Adoption of this Act by the Borough shall be forthwith given by affixing the same at or near the Door of the Town Hall of the said Borough, to the Effect of Form No. 3. in the said Schedule; and if it shall be determined in manner aforesaid that the Provisions of this Act shall be adopted for such Borough, then it shall be lawful for the Town Council to purchase or take on Rent, with or without Payment of Fine, any Lands or Buildings for the Purpose of forming Public Libraries or Museums of Art and Science, or both, and to erect, alter, and extend any Buildings for such Purpose, and to maintain and keep the same in good Repair; and that for the Purchase, building, extending, altering, and repairing such Lands and Buildings, and Payment of such Rent and Fines, and for other Purposes of this Act, and for the Payment of any Principal Money and Interest borrowed under the Authority of this Act, it shall

be lawful for the Council to levy, with and as Part of the Borough Rate, or by a separate Rate to be levied in like Manner as the Borough Rate, such Sums of Money as shall be from Time to Time needed: Provided always, that the whole Amount of Rate levied for the Purposes of this Act do not in any One Year amount to more than One Halfpenny in the Pound on the annual Value of the Property in the Borough rateable to the Borough Rate.

Town Councils to provide the Things necessary for the Enjoyment of such Museums and Libraries, and to appoint proper Officers.

IV. And be it enacted, That out of the Monies to be raised under the Provisions of this Act it shall be lawful for the Town Council, or for such Committees as they shall appoint for all or any such Purposes, from Time to Time to purchase and provide such Fuel, Lighting, Fixtures, Furniture, and other similar Matters, for the convenient and useful Occupation and Enjoyment of such Libraries, Museums, and Premises, and to appoint such Officers and Servants, with Salaries and Remuneration, and to make such Rules and Regulations for the Safety and Use of the said Libraries and Museums, and for the Admission of Visitors and others, as to them shall seem fit; and that any such Committee may be appointed for such Times only and composed of such Persons (whether Members of the Council or not) as the Council may think fit, and may at any Time be dissolved by the said Council.

Council, with Approbation of Treasury, may borrow Money on Credit of the Borough Rates, &c.

V. And be it enacted, That for the Purchase of such Lands, and the erecting, extending, altering, and repairing of such Buildings, it shall be lawful for the Council of any such Municipal Borough as aforesaid, from Time to Time, with the Approval of the Commissioners of Her Majesty's Treasury, to borrow at Interest such Sums of Money as may be required for the same, on the Security of the said yearly Amount of Borough Rate authorized by this Act.

Buildings for Museums and Libraries, and the Property therein, to be held by the Council of the Borough in trust for the Benefit of the Inhabitants.

VI. And be it enacted, That the Lands and Buildings so purchased, erected, extended, or altered as aforesaid, and also all Books, Maps, and Specimens of Art and Science which may be presented to, and all Fixtures, Furniture, and Articles of every Description which may be presented to or purchased for, any such Library or Museum, or to or for the said Council for the Purposes of such Library or Museum, or to or for any Committee appointed by them, shall be vested in and held upon trust for ever by the Mayor, Aldermen, and Burgesses of the Borough in which such Library or Museum shall be situated, and shall be managed by the Council of the Borough (or by a Committee or Committees appointed by them), and kept in fit and proper Order, for the Benefit of the Inhabitants of the Borough and others resorting thereto.

VII. And

Admission to Museums, &c. to be free.

VII. And be it enacted, That Admission to such Libraries and Museums shall be free of all Charge.

If Burgesses determine not to adopt this Act, it shall not be again proposed for Two Years.

VIII. And be it enacted, That if the Burgesses shall determine in the Manner aforesaid against the Adoption of this Act, it shall not be lawful within Two Years after such Determination again to take the Votes of the Burgesses of the said Borough in manner aforesaid for the Purpose of ascertaining whether the Provisions of this Act shall be adopted for such Borough.

Museums begun or established under repealed Act to be maintained, &c.

IX. And be it enacted, That, notwithstanding the Repeal of the said Act hereby repealed, all Museums established or begun under the Provisions of the said repealed Act may be lawfully maintained, completed, and managed by the Ways and Means in this Act provided, in all respects as if such Museums had been established and begun under the Sanction and Provisions of this Act.

Short Title of Act.

X. And be it enacted, That in citing this Act in other Acts of Parliament and in legal Instruments it shall be sufficient to use the Expression "Public Libraries Act, 1850."

Act may be amended, &c.

XI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

SCHE-

SCHEDULE.

No. 1.

In pursuance of the Provisions of an Act of Victoria, Chapter for enabling Town Councils to establish Public Libraries and Museums, the Burgesses of this Borough are hereby required, on the Day of to signify by a Declaration, either printed or written, or partly printed and partly written, and to be delivered to the Mayor or his Deputy at the Places under mentioned, their Votes for or against the Adoption of the aforesaid Act.

(Signed) *A.B.*, Mayor.

N.B.—The Situation, Division, and Allotments of the different Places for delivering the said Votes are as follows: [*Here insert the Place or Places at which the Burgesses are to vote, in like Manner as in Elections under the Act to provide for the Regulation of Municipal Corporations in England and Wales.*]

No. 2.

I do hereby vote [for *or* against, *as the Case may be,*] the Adoption of the Act of the Year of the Reign of Queen Victoria, Chapter , for enabling Town Councils to establish Public Libraries and Museums.

(Signed) *A.B.*

[*Here insert the Name of the Street, Lane, or other Place in which the Property for which the Voter appears to be rated on the Burgess Roll is situated.*]

No. 3.

Notice is hereby given, that this Borough has adopted the Provisions of an Act of the Victoria, Chapter , for enabling Town Councils to establish Public Libraries and Museums,

and that the Numbers of the Majority and Minority of Votes given for or against the Adoption of the said Act are as follow; that is to say, Votes for the Adoption of the said Act, and Votes against it.

Dated this Day of A.D.

(Signed) *A.B.*, Mayor.

LONDON:
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VICTORIÆ REGINÆ.

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Short Title.

II. And be it enacted, That in citing this Act in other Acts of Parliament and in legal Instruments it shall be sufficient to use the Expression "The Second Annual Inclosure Act, 1850."

SCHEDULE to which this Act refers.

Inclosure.	County.	Date of Provisional Order.
Runhall Commons	Norfolk	18th December 1849.
Bainbridge	York	18th January 1850.
Picton Marsh	Flint	28th June 1849.
Shipton-under-Wychwood	Oxford	7th February 1850.
Nantcwnlle	Cardigan	7th February 1850.
Little Drayton Heath	Salop	7th February 1850.
Over Staveley	Westmorland	7th February 1850.
Burn Common	York	9th March 1850.
Mepal	Cambridge	15th February 1850.
Fountains Earth Moor	York	9th March 1850.
Llanyorwys	Carmarthen	9th March 1850.
Garsdale	York	28th February 1849.
Warkworth	Northumberland	19th April 1850.
Wattesfield	Suffolk	9th May 1850.
Coven	Stafford	9th May 1850.
Southstoke-cum-Woodcote	Oxford	4th April 1850.
Haughley	Suffolk	18th December 1849.
Little Musgrave	Westmorland	4th April 1850.
Talkin Fell	Cumberland	24th January 1850.
Hitchenden	Bucks	17th May 1850.
Farnham Manor	Surrey	22d June 1849.
Pencarreg	Carmarthen	7th February 1850.
Salthouse and Kelling	Norfolk	29th June 1850.
Litcham	Norfolk	20th July 1850.

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CAP. LXVII.

An Act to reduce the Duty of Excise on Sugar manufactured in the United Kingdom, and to impose a countervailing Duty on Sugar used in the brewing of Beer for Sale; and also to amend the Laws relating to the Licences granted to Brewers and Distillers. [14th *August* 1850.]

WHEREAS by an Act passed in the Eighth Year of Her present Majesty's Reign, intituled *An Act to repeal the Duties of Excise on Sugar manufactured in the United Kingdom, and to impose other Duties in lieu thereof*, the following Duty of Excise was granted and is now payable; (that is to say,) for and upon every Hundred Weight of Sugar manufactured in the United Kingdom, from whatever Materials made, and so in proportion for any greater or less Quantity than One Hundred Weight, the Sum of Fourteen Shillings: And whereas it is expedient to reduce the said Duty: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act, and until and upon the Fifth Day of *July* One

8 & 9 Vict. c. 13.

Excise Duty on Sugar manufac-

tured in the United Kingdom reduced.

One thousand eight hundred and fifty-one, the Duty of Excise on Sugar manufactured in the United Kingdom shall be charged, raised, levied, collected, and paid at and after the reduced Rate of Eleven Shillings *per* Hundred Weight, and so in proportion for any greater or less Quantity than a Hundred Weight; and from and after the said Fifth Day of *July* One thousand eight hundred and fifty-one the said Duty shall be further reduced, and shall be charged, raised, levied, collected, and paid at and after the Rate of Ten Shillings *per* Hundred Weight, and so in proportion for any greater or less Quantity than a Hundred Weight.

Reduced Duties on Sugar to be charged, &c. in like Manner as the former Duty.

II. And be it enacted, That the said reduced Duties of Excise on Sugar manufactured in the United Kingdom shall respectively be charged, raised, levied, collected, and recovered, applied and accounted for, by the same Means, Ways, and Methods, and under and subject to the like Rules, Regulations, and Provisions, Fines, Penalties, and Forfeitures, by and under and subject to which the said Duty of Excise on Sugar could or might be charged, raised, levied, collected, and recovered, applied and accounted for, immediately before the passing of this Act.

10 & 11 Vict. c. 5.

III. And whereas under and by virtue of an Act passed in the Tenth Year of Her present Majesty's Reign Brewers of Beer for Sale are allowed to make use of Sugar in the brewing or making of Beer: And whereas at the Time of the passing of the said Act the Duties of Customs payable on the Importation of Sugar, and the Duties of Excise on Sugar manufactured in the United Kingdom, were respectively equivalent to the Duty of Excise which would have been payable on the Malt for which any such Sugar might be substituted in the brewing or making of Beer; but by an Act subsequently passed in the Twelfth Year of Her present Majesty's Reign, and by this Act, the said respective Duties on Sugar will, on or before the Fifth Day of *July* One thousand eight hundred and fifty-one, be reduced so and in such Manner as to cease to be equivalent to the Duty of Excise on the Malt for which such Sugar may be substituted as aforesaid, and it is expedient to impose such a Duty on all Sugar to be used in the brewing or making of Beer for Sale as with the said Duties of Customs or Excise payable on Sugar under any former Act or Acts or this Act may be equivalent to such Excise Duty on Malt as aforesaid: Be it therefore enacted, That from and after the Fifth Day of *July* One thousand eight hundred and fifty-one there shall be granted, raised, levied, collected, and paid unto and for the Use of Her Majesty, Her Heirs and Successors, for and upon all Sugar to be used by any Brewer of Beer for Sale in the brewing or making of Beer, the Duty (over and above all other Duties, whether of Customs or

11 & 12 Vict. c. 97.

Grant of a Duty on Sugar used in the brewing of Beer.

or Excise,) of One Shilling and Four-pence for every Hundred Weight, and at and after the like Rate for any greater or less Quantity than a Hundred Weight of such Sugar, to be payable and paid by such Brewer.

Duty granted to be deemed an Excise Duty, and to be under the Management of the Commissioners of Inland Revenue, and to be levied under the general Excise Laws.

IV. And be it enacted, That the said Duty granted and imposed by this Act shall be denominated and deemed to be a Duty of Excise, and shall be under the Care and Management of the Commissioners of Inland Revenue, and shall be raised, levied, collected, secured, recovered, and paid at such Times and in such Manner, and under such Rules and Directions, as the said Commissioners may in that Behalf appoint, and also under and subject to such Rules, Regulations, Conditions, Penalties, and Forfeitures, and with and subject to such Powers, and by such Methods, and in such Manner and Form by which other Duties of Excise may be raised, levied, collected, secured, recovered, and paid, as fully and effectually to all Intents and Purposes as if the same and every of them were particularly repeated and re-enacted in the Body of this Act.

Brewers to make true Entries of the Quantity of Sugar used in brewing.

Penalty for omitting to make such Entries, or for making any false Entry.

V. And whereas by the said Act of the Tenth Year of Her present Majesty's Reign, herein-before mentioned or referred to, every Brewer of Beer for Sale who makes use of Sugar in the brewing or making of Beer is required, under the Penalty of Two hundred Pounds, to enter or cause to be entered in the Book in the said Act described or mentioned the Quantity in Pounds Weight Avoirdupois of Sugar which he intends to use in his next Brewing, together with other Particulars relating thereto: Be it enacted, That if any Brewer shall neglect or omit to enter or cause to be entered in such Book as aforesaid, and at the Time and in the Manner by the said Act directed, the full and true Quantity of all Sugar which he shall use in the brewing or making of Beer, or if he shall make use of any Sugar in or towards the brewing or making of Beer before such Sugar and the full and true Quantity thereof shall have been duly entered in the said Book in manner aforesaid, or if he shall make, or cause, permit, or suffer to be made, in any such Book, any Entry which shall be untrue in any Particular, he shall for every such Offence forfeit and lose the Sum of Two hundred Pounds, over and above any Penalty to which he may be liable under the said former or any other Act or Acts of Parliament.

6 G. 4. c. 81.

VI. And whereas by an Act passed in the Sixth Year of the Reign of King *George* the Fourth, intituled *An Act to repeal several Duties payable on Excise Licences in* Great Britain *and* Ireland, *and to impose other Duties in lieu thereof, and to amend the Laws for granting Excise Licences*, certain Duties of Excise were granted

granted and made payable in and throughout the United Kingdom of *Great Britain* and *Ireland* for and upon every Licence to be taken out by any Maker, Manufacturer, Trader, Dealer, Retailer, or Person in the same Act mentioned, and, amongst others, by every Brewer of Beer for Sale, and by every Brewer of Beer for Sale who shall retail such Beer to be consumed elsewhere than on his, her, or their Premises, and by every Person, not being a Brewer of Beer for Sale, who shall sell strong Beer only in Casks containing not less than Four and a Half Gallons Imperial Standard Gallon Measure, or in not less than Two Dozen reputed Quart Bottles at One Time, to be drunk or consumed elsewhere than on his, her, or their Premises: And whereas by the said last-recited Act it is enacted that no Licence taken out under or by the Authority of the said Act by any Person or Persons, except Auctioneers and Maltsters, shall authorize or empower such Person or Persons to exercise or carry on the Trade or Business mentioned in such Licence in more than One separate and distinct Set of Premises, such Premises being all adjoining or contiguous to each other, and situate in One Place, and held together for the same Trade or Business, and of which he, she, or they shall have made lawful Entry, to exercise or carry on therein his, her, or their Trade or Business as aforesaid at the Time of granting such Licence; but that a separate and distinct Licence shall be taken out by all and every such Person or Persons as aforesaid, except as aforesaid, to exercise or carry on his, her, or their Trade or Business as aforesaid at or in any other or different Premises than as before mentioned: And whereas a Practice has arisen amongst certain licensed Brewers of Beer for Sale of selling Beer at or in other or different Premises or Places than the Premises in which such Brewers exercise or carry on their Trade or Business of Brewers of Beer under or by virtue of the Licence granted to them respectively in that Behalf, and Doubts are entertained as to the Duties and Liabilities incurred by such Persons by reason of such Practice; and it is expedient to remove such Doubts: Be it therefore enacted, That from and after the Tenth Day of *October* One thousand eight hundred and fifty it shall not be lawful for any Brewer of Beer for Sale to retail Beer at any Place other than the Premises mentioned in a separate and distinct Licence granted to him for that Purpose, and expressly authorizing him in that Behalf, or to sell, at any Place other than the Premises mentioned in such Licence as last aforesaid, or the Premises in which he shall be licensed to exercise or carry on and shall actually and bonâ fide exercise and carry on the Trade or Business of a Brewer of Beer, Beer in any Quantity amounting to or exceeding Four and a Half Gallons or Two Dozen reputed Quart Bottles of Beer, to be drunk or consumed elsewhere than on the Premises where sold; and if any Brewer of Beer shall retail or sell any

Brewers not to retail or sell Beer at any other Place than their licensed Brewing Premises, or on Premises licensed for the express Purpose.

any Beer at any Place other than such licensed Premises as aforesaid, contrary to the true Intent and Meaning hereof, he shall be subject and liable to and shall forfeit and lose the same Penalty and Penalties as any other Person, not being a Brewer of Beer, is or would be subject or liable to for doing the like Act without being duly licensed in that Behalf.

Brewers may take out Licence for the Sale of Beer at any other Place as well as on their licensed Brewing Premises.

VII. Provided always, and be it enacted, That it shall be lawful for any Brewer of Beer to take out any separate Licence or Licences for the Sale or Retail of Beer at any other Place than the Premises in which he shall be licensed to exercise and carry on the Trade or Business of a Brewer, as well as a Licence to retail Beer in or upon such last-mentioned Premises, and such Brewer, so far as regards the Sale or any Licence to be taken out for the Sale by him of Beer at any other Place than such last-mentioned Premises, shall be on the same Footing as and shall be deemed and held to be a Person not being a Brewer of Beer: Provided also, that the taking or receiving of Orders at any Place whatever by any licensed Brewer of Beer, or his Servant or Agent, for the Sale of Beer in any Quantity amounting to or exceeding Four and a Half Gallons or Two Dozen reputed Quart Bottles at One Time, which shall be sent to the Purchaser direct from the Premises in which such Brewer shall be licensed to brew or sell Beer, shall not be deemed or held to be a selling of Beer at any other Place than such licensed Premises.

Taking Orders for the Sale of Beer not to be deemed selling Beer at any other than licensed Premises.

VIII. And whereas by an Act passed in the Fourth Year of the Reign of King *George* the Fourth, intituled *An Act to grant certain Duties of Excise upon Spirits distilled from Corn or Grain in* Scotland *and* Ireland, *and upon Licences for Stills for making such Spirits, and to provide for the better collecting and securing such Duties, and for the warehousing of such Spirits without Payment of Duty,* certain Enactments and Provisions were made in respect of Licences to be granted in *Scotland* and *Ireland* under the Authority of the same Act, and certain Restrictions and Penalties were imposed upon Persons licensed under the Provisions of the same Act: And whereas by an Act passed in the Sixth Year of the Reign of King *George* the Fourth, intituled *An Act to repeal the Duties payable in respect of Spirits distilled in* England, *and of Licences for distilling, rectifying, or compounding such Spirits, and for the Sale of Spirits, and to impose other Duties in lieu thereof; and to provide other Regulations for the Collection of the said Duties, and for the Sale of Spirits, and for the warehousing of such Spirits without Payment of Duty for Exportation,* certain Enactments and Provisions were made in respect of Licences to be granted in England under the Authority of the last-mentioned Act, and certain Restrictions

4 G. 4. c. 94.

6 G. 4. c. 80.

tions and Penalties were imposed upon Persons licensed under the Provisions of the said last-mentioned Act: And whereas by the said firstly-recited Act passed in the Sixth Year of the Reign of the said King *George* the Fourth it was enacted, that the Duties granted or payable for or in respect of Excise Licences in *England*, *Scotland*, or *Ireland*, or for or upon the granting thereof, by any Act or Acts of Parliament in force at and immediately before the Fifth Day of *July* One thousand eight hundred and twenty-five, should cease and determine, and in lieu and instead thereof certain other Duties were by the said last-mentioned Act granted for and upon every Licence to be taken out by any Maker, Manufacturer, Trader, Dealer, Retailer, or Person therein mentioned, and, amongst others, by every Distiller or Maker of Low Wines or Spirits, and certain Regulations and Provisions are by the said last-mentioned Act enacted respecting the granting and issuing of such Licences, as well as of various other Licences specified in the same Act: And whereas Doubts have arisen whether the Regulations and Provisions of the said last-mentioned Act may not have repealed and rendered void or be deemed to have repealed and rendered void the said Enactments, Provisions, Restrictions, and Penalties contained in the said Two other recited Acts passed respectively in the Fourth and Sixth Years of the Reign of King *George* the Fourth, as aforesaid, and whether the Regulations and Provisions, Restrictions and Penalties, contained in the said Two other recited Acts, with regard to Distillers and other Persons therein mentioned or referred to as licensed or required to be licensed under the said Two other recited Acts respectively or either of them, are in force and applicable by Law to Distillers and such other Persons if licensed under the said firstly-recited Act of the Sixth Year of the Reign of King *George* the Fourth, and it is expedient to remove all such Doubts: Be it therefore declared and enacted, That nothing in the said Act of the Sixth Year of the Reign of King *George* the Fourth, herein-before firstly recited, contained, shall be deemed or construed to repeal or in any way affect any of the Regulations or Provisions contained in either of the said Two other recited Acts of the Fourth and Sixth Years of the Reign of the said King respectively, save and except as to the Manner of granting and issuing such Licence, and as to the Duty payable thereon, and as to the Penalty to be incurred for making use of a Still without being licensed for that Purpose, and save and except so far as the express Provisions of the said Two last-mentioned Acts or either of them are inconsistent with the Provisions of the said firstly-recited Act of the Sixth Year of the said King's Reign; and that every Distiller or Maker of Low Wines or Spirits in *England*, *Scotland*, and *Ireland* respectively, to whom a Licence in that Behalf hath been or shall be granted under the Provisions of the said last-mentioned Act, shall for all Purposes be deemed

Provisions of 4 G. 4. c. 94. and 6 G. 4. c. 80. to be deemed to apply to Distillers licensed under 6 G. 4. c 81.

deemed and considered to be and to have been licensed, as well under the said other recited Acts respectively of the Fourth and Sixth Years of the said King's Reign as under the said firstly-recited Act of the Sixth Year of the said King's Reign, and that all Enactments, Provisions, Restrictions, and Penalties contained in the said Two other recited Acts respectively of the Fourth and Sixth Years of the said King's Reign, or either of them, save and except in the Particulars herein-before mentioned with regard to Distillers and other Persons therein mentioned or referred to as licensed or required to be licensed under them or either of them respectively, shall be deemed and construed to apply to every Distiller or Maker of Low Wines or Spirits in *England*, *Scotland*, and *Ireland* respectively to whom any Licence in that Behalf hath been or shall be granted under the Provisions of the said firstly-recited Act of the Sixth Year of the Reign of King *George* the Fourth, in like Manner as if such Persons had been licensed respectively under either of the said Two other recited Acts.

IX. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament. Act may be amended, &c.

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ANNO DECIMO TERTIO & DECIMO QUARTO

VICTORIÆ REGINÆ.

****

CAP. LXVIII.

An Act to shorten the Duration of Elections in *Ireland*, and for establishing additional Places for taking the Poll thereat. [14th *August* 1850.]

WHEREAS it is expedient to shorten the Time now allowed by Law for taking the Polls at contested Elections of Members to serve in Parliament for the several Counties, Cities, Towns, and Boroughs in *Ireland*, and to divide the same into Districts for the Purpose of Polling, and to establish a separate Polling Place within each such District: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That at every contested Election of a Knight or Knights of the Shire to serve in Parliament for any County in *Ireland* which shall take place after the Fifteenth Day of *March* in the Year of our Lord One thousand eight hundred and fifty-one the Polling shall commence on the next Day but Two after the Day fixed for the Election, save in the Cases herein-after mentioned, at the principal Place of Election, and also at the several Places to be appointed as herein-after directed for taking the Polls; and such Polling shall continue for

At contested Elections for Counties, Polling to continue for Two Days only.

Two Days only, such Days being successive Days, save in the Cases herein-after mentioned, and shall commence at the Hour of Nine of the Clock in the Morning of the First Day and at Eight of the Clock in the Morning of the Second Day, and be kept open only between the Hours of Nine in the Morning and Four in the Afternoon for the First Day, and between the Hours of Eight in the Morning and Four in the Afternoon of the Second Day; and no Poll shall be kept open later than Four of the Clock in the Afternoon of the Second Day, any Statute to the contrary notwithstanding: Provided always, that when such Day next but Two after the Day fixed for the Election shall be *Saturday*, *Sunday*, *Good Friday*, or *Christmas Day*, then in case it be *Saturday* or *Sunday* the Poll shall be on the *Monday* next following, and in case it be *Good Friday* then on the *Monday* next following, and in case it be *Christmas Day* then on the next following Day, if the same shall not be *Saturday* or *Sunday*, and if it be *Saturday* or *Sunday* on the next following *Monday*: Provided also, that when the Day following the First Day of Polling shall be *Good Friday* or *Christmas Day*, then in case it be *Good Friday* the Second Day of Polling shall be on the *Saturday* next following, and in case it be *Christmas Day* then on the next following Day, if the same shall not be *Sunday*, and if it be *Sunday* then on the next following *Monday*.

Counties to be divided into Districts for Polling, according to the Schedule to this Act.

II. And be it enacted, That the several Counties in *Ireland*, as mentioned in the Schedule (A.) to this Act annexed, shall from and after the said Fifteenth Day of *March* in the Year One thousand eight hundred and fifty-one be divided into Districts for Polling, according to the Arrangement specified in the said Schedule; and that in each such District the Poll shall be taken in the Town or Place specified in the said Schedule, and that each Polling District shall include the several Baronies or Divisions connected with the Name of the same Polling Place in the said Schedule; and each such District shall, for the Purposes of this Act, be called after the Name of such Polling Place: Provided always, that so far as may be necessary for the Purposes of Registration of Electors under an Act of the present Session to amend the Laws which regulate the Qualification and Registration of Parliamentary Voters in *Ireland*, and to alter the Law for rating Immediate Lessors of Premises to the Poor Rate in certain Boroughs, and not otherwise, such Division as aforesaid shall take effect from the Ninth Day of *September* in the Year One thousand eight hundred and fifty.

At contested Elections for Counties Booths to be erected so that not more

III. And be it enacted, That at every such contested Election for any County in *Ireland* after the Fifteenth Day of *March* One thousand eight hundred and fifty-one the Sheriff shall, at the Place appointed for taking the Poll for each such District as aforesaid, cause

cause to be erected or provided a separate Booth for each Barony or Half Barony in such District, and shall cause to be affixed on the most conspicuous Part of each such Booth the Name of the Barony or Half Barony for which such Booth is respectively allotted, and no Person shall be admitted to vote at any such Election in any Booth except that allotted for the Barony or Half Barony upon the Register of which his Name shall appear: Provided always, that if in any Barony or Half Barony there shall appear upon the Register thereof the Names of more than Six hundred Electors, the Sheriff shall cause so many separate Booths to be erected or provided for such Barony or Half Barony that not more than Six hundred shall be required to poll in any One Booth; and the Sheriff shall, in case of such separate Booths for the same Barony or Half Barony, declare the Initial Letters of the Surnames of the Voters who are to vote at the same, and have such Initial Letters placed on the said Booths under the Name of the Barony or Half Barony: Provided also, that on the Requisition of any Candidate, or of any Elector being the Proposer or Seconder of any Candidate, at any such contested Election after the Day last aforesaid, such Requisition to be made or given at or before Twelve of the Clock at Noon on the Day of Nomination, the Booths shall be so arranged by the Sheriff that not more than Three hundred Electors shall be allotted to poll at each such Booth: Provided also, that the Candidate or Elector making such Requisition shall pay all additional Expenses occasioned by such Division or Arrangement.

than Six hundred be required to poll in One Booth.

IV. And be it enacted, That at every such contested Election as aforesaid for any County in *Ireland* the Sheriff shall have Power to appoint, and shall appoint, Deputies to preside, and Clerks to take the Poll at the several Places appointed for Polling for the several Baronies or Half Baronies as mentioned in the said Schedule, and in the several Polling Booths, not exceeding One Deputy and One Poll Clerk for each Polling Booth; and that the Poll Clerks employed at such several Places shall at the Close of each Day's Poll enclose and seal their several Books, and shall publicly deliver them so enclosed and sealed to the Sheriff or Sheriff's Deputy presiding at such Poll, who shall give a Receipt for the same, and shall on the Commencement of the Poll on the Second Day deliver them back so enclosed and sealed to the Person from whom he shall have received them; and on the final Close of the Poll every such Deputy who shall have received any such Poll Books shall forthwith deliver the same so enclosed and sealed to the Sheriff or his Under Sheriff, who shall receive and keep all the Poll Books unopened until the re-assembling of the Court on the Day next but One after the Close of the Poll, unless such Day shall be *Sunday*, and then on the *Monday* following, at an Hour not earlier

Sheriff to appoint Deputies and Poll Clerks for each Polling Booth.

earlier than Eleven of the Clock, when he shall openly break the Seals thereon, and cast up the Number of Votes as they appear on the said several Books, and shall openly declare the State of the Poll, and shall declare the Member or Members chosen, at or before Two of the Clock in the Afternoon of the said Day.

Poll when to be declared.

Cities and Boroughs in Schedule (B.) to be divided into Polling Districts.

V. And be it enacted, That each of the Cities, Towns, and Boroughs in *Ireland* mentioned in the Schedule (B.) to this Act annexed shall from and after the Fifteenth Day of *March* in the Year One thousand eight hundred and fifty-one be divided into Polling Districts, and that each of the Wards into which the said Cities, Towns, and Boroughs shall have been respectively divided for Municipal Purposes under the Provisions of the Act for the Regulation of Municipal Corporations in *Ireland*, or any Act amending the same, shall be a separate Polling District.

List of Electors of such Cities, Towns, &c. to be divided by Wards, &c., and so printed in the Register.

VI. And be it enacted, That the Clerk of the Peace of or acting in or for each of the said Cities, Towns, and Boroughs mentioned in the said Schedule (B.) shall before the Fifteenth Day of *March* in the Year One thousand eight hundred and fifty-one cause the List of Voters for such City, Town, or Borough, duly signed by the Assistant Barrister, Chairman, or Revising Barrister, upon the Revision of the same, to be divided, arranged, and printed in the Book of the Register of Voters for such City, Town, or Borough in manner following; (that is to say,) the Names of all Persons appearing upon the said List as Resident Freemen shall be placed upon a separate List, to be entitled "The List of Resident Freemen," and shall be arranged therein in strict alphabetical Order according to the First, Second, and other Letters of their Surnames, and the Names in such List of Freemen shall be numbered consecutively, beginning with Number One, and the Names of all Persons appearing on the said List of Voters, signed as aforesaid, as qualified in respect of any Property Qualification, or as Occupiers of any Lands, Tenements, or Hereditaments, shall be divided into Lists for the respective Wards, according to the Number and Names of the Municipal Wards into which each such City, Town, or Borough shall have been divided under the said Act for the Regulation of Municipal Corporations in *Ireland*, or any Act amending the same; and each of such Ward Lists shall be headed with the Name of the Ward, and shall contain the Names of all Persons appearing upon the said List of Voters signed as aforesaid as qualified in respect of any Property situate within such Ward, or as Occupiers of any Lands, Tenements, or Hereditaments situate within such Ward; and in each such Ward List the Names of the Persons appearing thereon shall be arranged in strict alphabetical Order according to the First, Second, and other Letters of the Surnames, and the Names in each such Ward

Ward List shall be numbered consecutively, beginning with Number One.

VII. And be it enacted, That in the Case of any Persons appearing on the said List of Voters signed as aforesaid for any such City, Town, or Borough mentioned in the said Schedule (B.) as qualified in respect of any Property Qualification, or as Occupiers of any Lands, Tenements, or Hereditaments, not situate within the Limits of any of such Wards, such Clerk of the Peace shall insert the Name of each of such last-mentioned Persons in the List for the Ward which the said Property, or the said Lands, Tenements, or Hereditaments, in respect of which he may be so qualified, shall most nearly adjoin; or in case the said Property, Lands, Tenements, or Hereditaments in respect of which any Person may be qualified shall be situate in more than One Ward, or partly within One or more Ward or Wards and partly without the Limits of any Ward, the Clerk of the Peace shall insert the Name of any such last-mentioned Person in the List of such One Ward in which such Property, Lands, Tenements, or Hereditaments shall be partly situate, as such Clerk of the Peace shall think fit.

Electors in respect of Property not situate in any Ward to be inserted in List of adjoining Ward.

VIII. And be it enacted, That the Names of all Persons who shall at any Time after the said Fifteenth Day of *March* One thousand eight hundred and fifty-one be on the List of Voters signed as aforesaid in each Year for any such City, Town, or Borough mentioned in the said Schedule (B.) shall be divided, arranged, and printed by the said Clerk of the Peace in manner herein-before specified.

Electors for such Cities and Towns, &c. hereafter to be arranged and printed in like Manner.

IX. And be it enacted, That at every contested Election for any such City, Town, or Borough mentioned in the said Schedule (B.) which shall take place after the Fifteenth Day of *March* in the Year One thousand eight hundred and fifty-one the Persons on the Register and entitled to vote thereat as Resident Freemen shall (save as herein-after mentioned) vote at some Booth or Compartment to be erected or provided at or near the Place at which the Elections for such City, Town, or Borough are now usually holden, and not elsewhere; and all Persons on the Register and entitled to vote in respect of any Property Qualification, or as Occupiers of any Lands, Tenements, or Hereditaments, shall vote at some Booths or Compartments to be erected or provided within the Ward upon the List of which their Names shall appear, and not elsewhere.

Booths at which Freemen and other Voters are to give their Votes.

X. And be it enacted, That the Sheriff or other Returning Officer at any such contested Election for any such City, Town, or Borough

Freemen's Booths.

mentioned in the said Schedule (B.) (save as herein-after provided) which shall take place after the Day last aforesaid shall cause a sufficient Number of Booths to be erected or provided at or near the Place where Elections for such City, Town, or Borough are now usually holden, to be called the Freemen's Booths, so that not more than Four hundred such Electors shall be allotted or obliged to poll in any One Booth, and that, as far as practicable consistently with the said Provision as to the Number of Four hundred, all such Persons whose Surnames shall begin with the same Letter of the Alphabet shall poll in the same Booth or Compartment: Provided always, that where the Number of Freemen on the Register shall not exceed Three hundred in Number no Freemen's Booth shall be provided, but such Freemen shall poll in such Ward Booths, and in such Proportions as the Sheriff or other Returning Officer shall appoint and notify for such Purpose.

Booths in each Ward for other Voters.

XI. And be it enacted, That at every such contested Election for any such City, Town, or Borough mentioned in the said Schedule (B.) after the Day last aforesaid the Sheriff or Returning Officer shall cause to be erected or provided within each Ward thereof a sufficient Number of Booths or Compartments, to be called the Ward Booths, for the Purpose of taking the Votes of all those registered Electors whose Names appear on the List for such Ward, so as that not more than Four hundred such Electors shall be allotted or obliged to poll in any One Booth or Compartment, and that, as far as practicable consistently with the said Provision as to the Number of Four hundred, all such Persons whose Surnames shall begin with the same Letter of the Alphabet shall poll at the same Booth or Compartment.

Polling Places in Cities or Towns not mentioned in Schedule (B.)

XII. And be it enacted, That at every contested Election of a Member or Members to serve in Parliament for any City, Town, or Borough in *Ireland* not mentioned in said Schedule (B.) which shall take place after the Day last aforesaid the Sheriff or other Returning Officer shall cause to be erected or provided so many Booths or Compartments for Polling as that not more than Four hundred Electors shall be allotted or required to poll in each such Booth or Compartment, and that, as far as practicable consistently with the said Provisions as to the Number of Four hundred, all Persons whose Surnames shall begin with the same Letter of the Alphabet shall poll in the same Booth or Compartment.

At Elections for Cities and Towns, on Requisition

XIII. And be it enacted, That on the Requisition of any Candidate or of any Elector, being the Proposer or Seconder of any Candidate, at any such contested Election after the Day last aforesaid for any

City, Town, or Borough in *Ireland*, whether the same be mentioned in said Schedule (B.) or not, such Requisition to be made or given at or before Twelve of the Clock at Noon on the Day of Nomination, the Booths or Compartments shall be so arranged by the Sheriff or other Returning Officer as that not more than Two hundred Electors shall be allotted to poll at each such Booth or Compartment: Provided always, that the Candidate or Elector making such Requisition shall pay all additional Expenses occasioned by such Division or Arrangement.

of Candidate, Proposer, or Seconder, Arrangement to be made so that not more than Two hundred shall poll in each Booth.

XIV. And be it enacted, That at every such contested Election for any City, Town, or Borough in *Ireland*, whether the same be mentioned in said Schedule (B.) or not, which shall take place after the said Fifteenth Day of *March* One thousand eight hundred and fifty-one, the Sheriff or other Returning Officer shall have Power to appoint, and shall appoint, a Deputy to preside and a Clerk to take the Poll at each such Booth or Compartment, and shall, before the opening of the Poll, deliver or cause to be delivered to each such Deputy a List of the Persons allotted to poll at the Booth or Compartment over which such Deputy is to preside, with the Names therein arranged in strict alphabetical Order, according to the First, Second, and other Letters of the Surnames.

At such Elections for Cities and Towns the Returning Officer to appoint Deputy and Poll Clerks for each Booth, and furnish List of the Persons to poll thereat.

XV. And be it enacted, That at every such contested Election for any City, Town, or Borough in *Ireland*, whether the same be mentioned in said Schedule (B.) or not, which shall take place after the said Fifteenth Day of *March* One thousand eight hundred and fifty-one, the Polling shall commence at Eight of the Clock of the Forenoon of the Day next but One after the Day fixed for the Election; and such Polling shall continue for such One Day only, and no Poll shall be kept open longer than Five of the Clock in the Afternoon of such Day, any Statute to the contrary notwithstanding: Provided always, that when such Day next but One after the Day fixed for the Election shall be *Sunday*, *Good Friday*, or *Christmas Day*, then in case it be *Sunday* the Poll shall be on the *Monday* next following, and in case it be *Good Friday* then on the *Saturday* next following, and in case it be *Christmas Day* then on the next following Day if the same shall not be *Sunday*, and if it be *Sunday* then on the next following *Monday*.

At Elections for Cities and Towns, Commencement and Continuance of Poll for One Day only.

XVI. And be it enacted, That at every such contested Election for any City, Town, or Borough in *Ireland*, whether mentioned in the said Schedule (B.) or not, taking place after the said Fifteenth Day of *March* One thousand eight hundred and fifty-one, the Poll Clerks employed in the several Booths or Compartments shall at the Close of the Day's Poll enclose and seal their several Books, and shall

Duty of Poll Clerks at such Elections.

shall publicly deliver them so enclosed and sealed to the Sheriff's or Returning Officer's Deputy presiding at such Poll, who shall give a Receipt for the same, and shall deliver the same so enclosed and sealed to the Sheriff or his Under Sheriff or other Returning Officer, who shall receive and keep all the Poll Books unopened until the re-assembling of the Court on the Day next after the Close of the Poll, unless such Day shall be *Sunday*, and then on the *Monday* following, at an Hour not earlier than Ten of the Clock, when he shall openly break the Seals thereon, and cast up the Number of the Votes as they appear on the said several Books, and shall openly declare the State of the Poll, and shall declare the Member or Members chosen, at or before Three of the Clock in the Afternoon of the said Day.

Declaration of Poll.

Elections on or before 15th March 1851 to be taken as if Act had not passed.

University of Dublin not to be affected.

XVII. And be it enacted, That in case any Election shall take place for any County, City, Town, or Borough in *Ireland* before or on the said Fifteenth Day of *March* One thousand eight hundred and fifty-one, the Poll and Proceedings thereat shall be taken in the same Manner as if this Act had not passed; and that nothing in this Act contained shall be construed to affect or apply to the Borough of the University of *Dublin*.

Poll may be closed in certain Cases as heretofore.

Proceedings in case of Riot.

XVIII. And be it enacted, That nothing in this Act contained shall prevent any Sheriff or other Returning Officer, or the lawful Deputy of any Sheriff or Returning Officer, from closing the Poll previous to the Expiration of the Time fixed by this Act in any Case where the same might have been lawfully closed before the passing of this Act; and that where the Proceedings at any Election after the Fifteenth Day of *March* One thousand eight hundred and fifty-one (whether such Proceedings shall consist of the Nomination of a Candidate or Candidates or of the taking of the Poll) shall be interrupted or obstructed by any Riot or open Violence at or near the Place of Election or a Polling Place, or shall be interrupted or obstructed by any Riot or open Violence taking place elsewhere by the violent or forcible Prevention, Obstruction, or Interruption of Voters proceeding on their Way to such Election or Polling Place (such last-mentioned Prevention, Obstruction, or Interruption of Voters proceeding on their Way as aforesaid being shown by Affidavit), the Sheriff or other Returning Officer, or the lawful Deputy of any Sheriff or Returning Officer, shall not for such Cause terminate the Business of such Nomination, nor finally close the Poll, but shall adjourn the Nomination or the taking of the Poll at the particular Polling Place or Places at or near to which or on the Way to which such Interruption or Obstruction shall have happened until the following Day, and, if necessary, shall further adjourn such Nomination or Poll, as the Case may be, until such Interruption or Obstruction shall have ceased, when the

the Sheriff or Returning Officer or his Deputy shall again proceed with the Business of the Nomination, or with the taking the Poll, as the Case may be, at the Place or Places at or near to which or on the Way to which the same respectively may have been interrupted or obstructed; and the Day on which the Business of the Nomination shall have been concluded shall be deemed to have been the Day fixed for the Election, and the Commencement of the Poll shall be regulated accordingly; and any Day whereon the Poll shall have been so adjourned shall not, as to such Place or Places, be reckoned the Day of Polling at such Election within the Meaning of this Act; and whenever the Poll shall have been so adjourned by any Deputy of any Sheriff or other Returning Officer, such Deputy shall forthwith give Notice of such Adjournment to the Sheriff or Returning Officer, who shall not finally declare the State of the Poll, or make Proclamation of the Member or Members chosen, until the Poll so adjourned at such Place or Places as aforesaid shall have been finally closed, and the Poll Books delivered or transmitted to such Sheriff or other Returning Officer, anything herein-before or in any other Statute to the contrary notwithstanding: Provided always, that this Act shall not be taken to authorize an Adjournment to a *Sunday*, but that in every Case in which the Day to which the Adjournment would otherwise be made shall happen to be a *Sunday*, *Good Friday*, or *Christmas Day*, that Day or Days shall be passed over, and the following shall be the Day to which the Adjournment shall be made.

Expense of Booths.

XIX. And be it enacted, That all Booths erected or provided for taking the Polls at any such Election shall be erected or provided by the Sheriff or other Returning Officer at the joint Expense of the Candidates, except in the Case when at an Election for a County, City, Town, or Borough such Requisition for additional Booths as herein-before provided for shall have been made; subject however to the Limitation herein-after contained, (that is to say,) that the Expense to be incurred for the Booth or each of the Booths at the principal Place of Election, or at any of the Polling Places for any County, shall not exceed the Sum of Three Pounds if in a public Building, and shall not exceed the Sum of Five Pounds if not in a public Building, and that the Expenses to be incurred for any Booth or Compartment in any City, Town, or Borough shall not exceed the Sum of Three Pounds if in a public Building, and shall not exceed the Sum of Five Pounds if not in a public Building; and that all Deputies appointed by the Sheriff or other Returning Officer shall be paid each Two Pounds a Day, and no more, and each Poll Clerk shall be paid One Pound a Day, at the Expense of the Candidates: Provided always, that if any Candidate shall be proposed without his Consent, the

Payment to Deputies and Poll Clerks.

Person proposing him shall be liable for his Share of the Expenses as if he had been a Candidate: Provided also, that the Sheriff or other Returning Officer may, if he think fit, instead of erecting such Booth or Booths as aforesaid, hire any Houses or other Buildings for the Purpose of taking the Poll therein; subject however to the Limitations as to Expense herein-before contained.

Lists of Electors for each Booth, and Notice of Situation of Booths.

XX. And be it enacted, That the Sheriff or other Returning Officer shall before the Day fixed for the Polling at any such Election cause to be provided for the Use of each Booth a true Copy of the Register or List of Electors, so far as such Electors are allotted or appointed to vote at such Booth, in strict alphabetical Order, according to the First, Second, and other Letters of their Surnames, and shall under his Hand certify every such Copy to be true, and shall also cause to be made out and printed a Statement or Specification of the local Situations of the different Booths, and of the Division or Description of the Electors allotted to poll at each Booth, and shall give thereto full Publicity, by Posting and otherwise, and shall cause to be affixed to each Booth, in large Letters, on some conspicuous Part thereof, a Notice of the Division or Description of the Electors allotted to poll thereat.

No Candidate to be liable to pay Fee of Assessor.

XXI. And be it enacted, That no Candidate at any such Election after the Fifteenth Day of *March* One thousand eight hundred and fifty-one shall be liable to pay or to contribute to the Payment of the Fee of any Assessor appointed by the Sheriff or other Returning Officer.

Additional Polling Places may be appointed upon Petition from Justices in Quarter Sessions assembled.

XXII. And whereas it is expedient to provide for increasing the Number of Polling Places, and for altering Polling Districts: Be it therefore enacted, That it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, by and with the Advice of the Privy Council in *Ireland*, from Time to Time hereafter, on Petition from the Justices of any County or Riding in *Ireland* in Quarter Sessions assembled, representing that the Number of Polling Places for such County or Riding is insufficient, and praying that the Place or Places mentioned in the said Petition may be a Polling Place or Polling Places for the County or Riding within which such Place or Places is or are situate, and that a Barony or Baronies, Half Barony or Half Baronies in such Petition mentioned may constitute a District for Polling at such Polling Place, (but so as not to divide any Barony or Half Barony,) or praying that any Polling District or Districts may be altered, and that any Barony or Half Barony may be detached from any such Polling District, and be annexed to any other Polling District, as the Case may be, to declare

that

that any Place or Places mentioned in the said Petition shall be a Polling Place or Polling Places for that County or Riding, and that the Barony or Baronies, Half Barony or Half Baronies in such Petition mentioned shall constitute a District for Polling at such Polling Place, and that the other Polling Districts of the said County or Riding shall be altered accordingly, or to declare that any Polling District or Districts shall be altered, and that any Barony or Half Barony shall be detached from any such Polling District, and be annexed to any other Polling District; and every such Declaration or Order for creating additional Polling Places, and the Polling Districts for the same, or for altering any Polling District or Districts, shall be certified under the Hand of the Clerk of the said Privy Council, and, when so certified, shall be published in the *Dublin Gazette*, and shall be of the same Force and Effect as if the same had been made by the Authority of Parliament: Provided always, that no such Petition as aforesaid shall be made by such Justices so assembled unless a Notice in Writing shall have been delivered, One Month at the least before the holding of such Quarter Sessions, to the Clerk of the Peace of the County or Riding wherein the same are held, signed by Two Justices of the Peace for such County or Riding, and residing therein, or by Ten Inhabitants being registered Voters for such County or Riding, which Notice shall state that the Court will, when such Sessions are held, be moved to make such Petition, nor unless the Clerk of the Peace shall, Ten Days at the least before the holding of such Sessions, have caused a Copy of such Notice to be inserted Twice at the least in Two of the Newspapers of such County or Riding, if Two Newspapers are published therein, or if not, in a Newspaper published or commonly circulated therein, together with a Notice of the Day upon which and the Place at which such Quarter Sessions will be held: Provided also, that when such Motion is made, any Person objecting to the same shall be heard by such Court against the same, or any Part thereof, if he thinks fit.

Repeal of 10 & 11 Vict. c. 81. after this Act comes into operation.

XXIII. And be it enacted, That from and after the Fifteenth Day of *March* in the Year One thousand eight hundred and fifty-one an Act of the Tenth and Eleventh Years of the Reign of Her present Majesty, intituled *An Act to limit the Time for taking the Poll at Elections of Members to serve in Parliament for Counties of Cities, Counties of Towns, and Boroughs in* Ireland, shall be repealed, save so far as the same repeals any other Act or Acts.

Interpretation Clause.

XXIV. And be it enacted, That in the Construction of this Act the Word "City" shall be deemed to mean a County of a City or a County and City; and the Word "Town" shall be deemed to mean a County

County of a Town; and the Word "Barony" shall be deemed to include "Half Barony" or "Division."

Schedules to be Part of Act.

XXV. And be it enacted, That the Schedules annexed to this Act shall be deemed Part of this Act.

Act may be amended, &c. this Session.

XXVI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

SCHE-

SCHEDULES to which the foregoing Act refers.

SCHEDULE (A.)

ANTRIM (County).

Polling Places.	Baronies.
Ballymoney	Lower Dunluce.
	Upper Dunluce.
	Cary.
	Kilconway.
Ballymena	Lower Toome.
	Lower Glenarm.
	Lower Antrim.
	Upper Glenarm.
Antrim	Upper Belfast.
	Lower Belfast.
	Upper Antrim.
	Upper Massereene.
	Lower Massereene.
	Upper Toome.

ARMAGH (County).

Lurgan	Oneilland, East.
	Oneilland, West.
Armagh	Armagh.
	Tiranny.
	Lower Fews.
Newry	Upper Fews.
	Upper Orior.
	Lower Orior.

CARLOW (County).

Carlow	Carlow.
Tullow	Rathvilly.
	Forth.
	Upper St. Mullins.
Bagenalstown	Lower St. Mullins.
	Idrone, East.
	Idrone, West.

CAVAN (County).

Polling Places.	Baronies.
Ballyconnell	Tullyhaw.
	Lower Loughtee.
Cavan	Upper Loughtee.
	Clanmahon.
	Tullyhunco.
Bailieborough	Tullygarvey.
	Clankee.
	Castlerahan.

CLARE (County).

Ennistimon	Burren.
	Corcomroe.
	Inchiquin.
Kilrush	Moyarta.
	Clonderalaw.
Ennis	Islands.
	Upper Bunratty.
	Ibrickan
Tulla	Upper Tulla.
	Lower Tulla.
Six Mile Bridge	Lower Bunratty.

CORK (County).

Kanturk	Duhallow.
Fermoy	Condons and Clangibbon.
	Kinnatalloon.
Middleton	Barrymore.
	Imokilly.
Cork	Cork.
	Barretts.
Mallow	Fermoy.
	Orrery and Kilmore.
Kinsale	Kinalea.
	Kerrycurrihy.
	Kinsale.

CORK—*cont.*
(County).

Polling Places.	Baronies.
Macroom	East Muskerry.
	West Muskerry.
Bandon	Ibane and Barryroe.
	East Carbery, East Division.
	East Carbery, West Division.
	Courceys.
	Kinalmeaky.
Bantry	Bantry.
	Bear.
Skibbereen	West Carbery, East Division.
	West Carbery, West Division.

DONEGAL
(County).

Donegal	Tirhugh.
	Banagh.
	Boylagh.
Letterkenny	Kilmacrenan.
Lifford	Raphoe.
Buncrana	Inishowen.

DOWN
(County).

Downpatrick	Lecale.
	Dufferin.
	Kinelarty.
Newtownards	Ards.
	Lower Castlereagh.
Hillsborough	Upper Castlereagh.
	Lower Iveagh.
Newry	Upper Iveagh.
	Newry Lordship.
	Mourne.

DUBLIN
(County).

Kilmainham	St. Sepulchre.
	Donore.
	Uppercross.
	Castleknock.
	Coolock.
	Newcastle, East and West.

DUBLIN—*cont.*
(County).

Polling Places.	Baronies.
Kingstown	Rathdown.
	Dublin.
Balbriggan	Balrothery, East.
	Balrothery, West.
	Nethercross.

FERMANAGH
(County).

Enniskillen	Clanawley.
	Lurg.
	Magheraboy.
	Knockninny.
	Tirkennedy.
Newtown Butler	Coole.
	Magherastephana.
	Clankelly.

GALWAY
(County).

Clifden	Ballynahinch.
Galway	Clare.
	Dunkellin.
	Aran.
Gort	Kiltartan.
Loughrea	Loughrea.
	Leitrim.
	Longford.
	Athenry.
Ballinasloe	Killian.
	Clonmacnowen.
	Kilconnell.
Tuam	Ballymoe.
	Dunmore.
	Tiaquin.
Oughterard	Ross.
	Moycullen.

KERRY
(County).

Listowel	Iraghticonnor.
	Clanmaurice.
Tralee	Trughanacmy.
	Corkaguiny.
Cahirsiveen	Iveragh.
	South Dunkerron.
Killarney	Magunihy.
	North Dunkerron.
Kenmare	Glenarought.

KILDARE
(County).

Polling Places.	Baronies.
Maynooth -	Carbury.
	Ikeathy and Oughterany.
	North Salt.
Naas - -	Naas, North.
	Naas, South.
	Connell.
	Clane.
	South Salt.
Athy - -	West Narragh and Reban.
	Kilkea and Moone.
	East Narragh and Reban.
Kildare - -	East Offaly.
	West Offaly.
	Kilcullen.

KILKENNY
(County).

Castlecomer -	Fassadinin.
Kilkenny - -	Shillelogher.
	Crannagh.
	Callan.
Thomastown -	Knocktopher.
	Gowran.
	Kells.
Pilltown - . -	Iverk.
	Ida.
Urlingford -	Galmoy.

KING'S COUNTY.

Parsonstown -	Garrycastle.
	Eglish.
	Ballybritt.
	Clonlisk.
Tullamore -	Geashill.
	Ballycowan.
	Kilcoursey.
	Ballyboy.
Philipstown -	Upper Philipstown.
	Lower Philipstown.
	Warrenstown.
	Coolestown.

LEITRIM
(County).

Polling Places.	Baronies.
Manor Hamilton -	Rosclogher.
	Drumahaire.
Carrick-on-Shannon.	Leitrim.
	Mohill.
Ballinamore -	Carrigallen.

LIMERICK
(County).

Newcastle -	Upper Connello.
	Lower Connello.
	Shanid.
	Glenquin.
Bruff - -	Kilmallock.
	Coshlea.
	Coshma.
	Small County.
Limerick - -	Kenry.
	Pubblebrien.
	Clanwilliam.
	Owneybeg.
	Coonagh.

LONDONDERRY
(County).

Londonderry -	North-west Liberties of Londonderry.
	Tirkeeran.
Coleraine -	North-east Liberties of Coleraine.
	Coleraine.
Magherafelt -	Loughinsholin.
Newtown Limavady	Keenaght.

LONGFORD
(County).

Longford - -	Longford.
	Ardagh.
Ballymahon -	Rathcline.
	Shrule.
	Moydow.
Granard - -	Granard.

LOUTH (County).

Polling Places.	Baronies.
Dundalk	Upper Dundalk. Lower Dundalk. Louth.
Ardee	Ardee. Ferrard.

MAYO (County).

Belmullet	Erris.
Ballina	Tirawley.
Swineford	Gallen. Costello.
Castlebar	Carra. Burrishoole.
Ballinrobe	Kilmaine. Clanmorris.
Westport	Murrisk.

MEATH (County).

Duleek	Upper Duleek. Lower Duleek.
Navan	Lower Navan. Skreen. Upper Slane. Lower Slane.
Kells	Upper Kells. Lower Kells. Morgallion. Fore.
Trim	Lune. Upper Moyfenrath. Lower Moyfenrath. Upper Navan.
Dunshaughlin	Upper Deece. Lower Deece. Dunboyne. Ratoath.

MONAGHAN (County).

Polling Places.	Baronies.
Monaghan	Cremorne. Trough. Monaghan. Dartree.
Carrickmacross	Farney.

QUEEN'S COUNTY.

Mountmellick	Tinnahinch. Portnahinch.
Maryborough	Maryborough, East. Maryborough, West.
Abbeyleix	Clarmallagh. Cullenagh.
Borris-in-Ossory	Upperwoods. Clandonagh.
Stradbally	Slievemargy. Stradbally. BallyAdams.

ROSCOMMON (County).

Castlereagh	Frenchpark. Castlereagh. Ballymoe.
Roscommon	Ballintober, South. Roscommon.
Athlone	Athlone. Moycarn.
Boyle	Ballintober, North. Boyle.

SLIGO (County).

Sligo	Carbury. Tirerrill.
Ballymote	Corran. Coolavin. Leyny.
Easky	Tireragh.

TIPPERARY
(County).

Polling Places.	Baronies.
Nenagh	Upper Ormond. Lower Ormond. Owney and Arra.
Thurles	Eliogarty. Ikerrin. Kilnamanagh, Lower. Kilnamanagh, Upper.
Clonmel	East Iffa and Offa. West Iffa and Offa.
Cashel	Middlethird. Slievardagh.
Tipperary	Clanwilliam.

TYRONE
(County).

Dungannon	Upper Dungannon. Middle Dungannon. Lower Dungannon.
Strabane	West Omagh. Lower Strabane.
Omagh	East Omagh. Upper Strabane.
Clogher	Clogher.

WATERFORD
(County).

Lismore	Coshmore and Coshbride.
Dungarvan	Decies without Drum. Decies within Drum.
Waterford	Gaultiere. Middlethird.
Carrickbeg	Glenahiry. Upperthird.

WESTMEATH
(County).

Polling Places.	Baronies.
Mullingar	Moygoish. Corkaree. Farbill. Moyashel and Magheradernon.
Moate	Moycashel. Fartullagh. Clonlonan. Rathconrath. Kilkenny, West. Brawny.
Castletown Delvin	Fore. Delvin.

WEXFORD
(County).

Enniscorthy	Scarawalsh. Shelmaliere, East. Ballaghkeen.
Wexford	Shelmaliere, West. Forth. Bargy.
New Ross	Shelburne. Bantry.
Gorey	Gorey.

WICKLOW
(County).

Baltinglass	Upper Talbotstown. Lower Talbotstown.
Tinahely	Shillelagh.
Wicklow	North Ballinacor. South Ballinacor.
Bray	Newcastle. Rathdown.
Arklow	Arklow.

SCHEDULE (B.)

NAMES of Cities, Towns, and Boroughs to be divided into Polling Districts.

Belfast.	Limerick.
Cork.	Waterford.
Dublin.	

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ANNO DECIMO TERTIO & DECIMO QUARTO

VICTORIÆ REGINÆ.

****

CAP. LXIX.

An Act to amend the Laws which regulate the Qualification and Registration of Parliamentary Voters in *Ireland*, and to alter the Law for rating Immediate Lessors of Premises to the Poor Rate in certain Boroughs.

[14th *August* 1850.]

WHEREAS an Act was passed in the Session of Parliament holden in the Second and Third Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to amend the Representation of the People of* Ireland, and it is expedient to amend the Laws which regulate the Qualification of some of the Persons entitled to vote in the Election of Members to serve in Parliament for *Ireland*, and the Registration of all Persons so entitled to vote: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That in addition to those now qualified by Law to register and vote at any Election of a Knight of the Shire in *Ireland*, in virtue of any Qualification not requiring Occupation, every Male Person of full Age, and not subject to any legal

2 & 3 W. 4. c. 88.

Provisions as to Qualification.

Occupiers of Lands rated for the Poor Rate at a net annual Value of 12*l.* or

upwards, and being registered under this Act, to be entitled to vote at Elections for Counties in Ireland.

legal Incapacity, who shall occupy, as Tenant or Owner, any Lands, Tenements, or Hereditaments within any County in *Ireland*, and shall be rated under the last Rate for the Time being under an Act of the First and Second Years of the Reign of Her present Majesty, intituled *An Act for the more effectual Relief of the destitute Poor in* Ireland, or any Act or Acts amending the same, as Occupier of such Lands, Tenements, or Hereditaments, at the net annual Value of Twelve Pounds or upwards, shall, if duly registered according to the Provisions herein-after contained, be entitled to vote at any Election of a Knight or Knights of the Shire to serve in Parliament for the County within which such Lands, Tenements, or Hereditaments shall be situated; provided that no such Person shall be so registered in any Year unless he shall have been such Occupier for the Space of Twelve Calendar Months next before the Ninth Day of *November* One thousand eight hundred and fifty (as regards the Register for One thousand eight hundred and fifty-one), or next before (in any succeeding Year) the Twentieth Day of *July* in such Year, and shall on or before the Thirtieth Day of *September* One thousand eight hundred and fifty (as regards the Register for the Year One thousand eight hundred and fifty-one), and shall in any succeeding Year on or before the First Day of *July* in such Year, have paid all Poor Rates in respect of such Lands, Tenements, or Hereditaments which shall have become payable from him in respect of such Premises previously to the Thirty-first Day of *March* One thousand eight hundred and fifty (as regards the Register for the Year One thousand eight hundred and fifty-one), and previously (in any succeeding Year) to the First Day of *January* in such Year.

Persons entitled to Estates in Fee, or in Tail, or for Life, of the rated Value of 5*l.* to have Votes for Counties.

II. And be it enacted, That in addition to those now qualified by Law to register and vote at any Election of a Knight of the Shire in *Ireland*, in virtue of any Qualification not requiring Occupation, every Male Person of full Age, and not subject to any legal Incapacity, who shall be seised of or entitled for his own Use to any Estate, legal or equitable, in Fee Simple or Fee Tail, or for his own Life, (such Tenant for Life not being a Lessee or Assignee of a Lessee or an Under-lessee,) or of or to any Estate of Freehold for Lives renewable for ever, or Estate *quasi* in Tail of such Freehold, in any Lands, Tenements, or Hereditaments which shall be rated in the last Rate for the Time being under the said Acts for the more effectual Relief of the destitute Poor in *Ireland* at the net annual Value of Five Pounds or upwards, and shall be, to the Person so seised or entitled, of the net annual Value of Five Pounds at the least above all Charges, save Taxes, Cesses, or Rates, payable out of the same, shall, if duly registered according to the Provisions herein-after contained, be entitled to vote at any Election of a Knight or Knights of the Shire to

to serve in Parliament for the County in *Ireland* within which such Lands, Tenements, or Hereditaments shall be situate; provided that no such Person shall be so registered in any Year unless he shall have been in the actual Possession of such Premises, or in the Receipt of the Rents and Profits thereof for his own Use, for the Space of Six Calendar Months next before the Ninth Day of *November* One thousand eight hundred and fifty (as regards the Register for the Year One thousand eight hundred and fifty-one), or next before (in any succeeding Year) the Twentieth Day of *July* in such Year; but no actual Occupation of such Premises shall be necessary in the Case of any Person so seised or entitled who shall for such Space of Six Calendar Months have been in such Receipt of such Rents and Profits for his own Use.

Provisions as to Qualification.

III. And be it enacted, That from and after the Time when the first Register under this Act of Persons entitled to vote at any Election of a Knight or Knights of the Shire to serve in Parliament for any County in *Ireland* shall be in force, no Person, except as herein-before provided, shall be entitled to vote at any Election of a Knight or Knights of the Shire to serve in Parliament for such County in respect of any Qualification which requires the Elector to be or to have been in the actual Occupation of Lands, Tenements, or Hereditaments within such County.

After Completion of first general Register, no one to vote at a County Election on a Qualification requiring Occupation unless qualified under this Act.

IV. Provided always, and be it enacted, That no Person shall be entitled to vote at any Election of a Knight or Knights of the Shire for any County in *Ireland*, in respect of any Lands, Tenements, or Hereditaments situate within the Parliamentary Boundary of any City, Town, or Borough in *Ireland* returning a Member or Members to serve in Parliament, and in respect of which he would be entitled to vote at an Election for such City, Town, or Borough, whether he shall or shall not have actually acquired the Right to vote for such City, Town, or Borough in respect thereof.

No Persons to have Votes for Counties in respect of Lands situate within the Boundaries of Cities and Boroughs.

V. And be it enacted, That in addition to those now qualified by Law to register and vote at any Election of a Member or Members to serve in Parliament for any City, Town, or Borough in *Ireland*, in virtue of any Qualification not requiring Occupation, every Male Person of full Age, and not subject to any legal Incapacity, who shall occupy, as Tenant or Owner, within any City, Town, or Borough in *Ireland* returning a Member or Members to serve in Parliament, any Lands, Tenements, or Hereditaments, and shall be rated under the last Rate for the Time being under an Act of the First and Second Years of the Reign of Her present Majesty, intituled *An Act for the more effectual Relief of the destitute Poor in* Ireland, or any Act

Occupiers of Lands or Premises rated for the Poor Rate at a net annual Value of 8*l.* or upwards, and being registered under this Act, to be entitled to vote at Elections for Cities or Towns in Ireland.

Provisions as to Qualification.

Act or Acts amending the same, as Occupier of such respective Lands, Tenements, or Hereditaments at a net annual Value of Eight Pounds or upwards, shall, if duly registered according to the Provisions herein-after contained, be entitled to vote at any Election of a Member or Members to serve in Parliament for the City, Town, or Borough within which such respective Premises shall be situated; provided that no such Person shall be so registered in any Year unless he shall have been such Occupier for the Space of Twelve Calendar Months next before the Ninth Day of *November* One thousand eight hundred and fifty (as regards the Register for the Year One thousand eight hundred and fifty-one), or next before (in any succeeding Year) the Twentieth Day of *July* in such Year, and shall on or before the Thirtieth Day of *September* One thousand eight hundred and fifty (as regards the Register for the Year One thousand eight hundred and fifty-one), and shall (in any succeeding Year) on or before the First Day of *July* in such Year, have paid all Poor Rates in respect of such respective Premises which shall have become payable from him in respect of such Premises previously to the Thirty-first Day of *March* One thousand eight hundred and fifty (as regards the Register for the Year One thousand eight hundred and fifty-one), and previously (in any succeeding Year) to the First Day of *January* in such Year.

Provision as to joint Occupiers in Cities or Towns.

VI. And be it enacted, That when any Lands, Tenements, or Hereditaments as aforesaid within any such City, Town, or Borough shall be jointly occupied, by more Persons than One as Tenants or Owners thereof, and such Persons shall be rated in such Rate as last aforesaid jointly in respect of such Premises, each of such Persons shall, subject to the Conditions herein-before provided as to a Person occupying Lands, Tenements, or Hereditaments in any such City, Town, or Borough, be entitled to vote at any Election of a Member or Members to serve in Parliament for the City, Town, or Borough within which such Premises are situate, in case the net annual Value of such Premises, as appearing on such Rate when divided by the Number of Persons rated jointly in respect thereof, shall give a net annual Value of Eight Pounds or upwards for each of such Persons, but not otherwise.

Provision as to Premises occupied in Succession.

VII. And be it enacted, That the Premises in respect of the Occupation of which any Person shall be entitled to be registered in any Year, and to vote in the Election for any City, Town, or Borough as aforesaid, shall not be required to be the same Premises, but may be different Premises occupied in immediate Succession by such Person during the Twelve Calendar Months next previous to the Ninth Day of *November* One thousand eight hundred and fifty (as

regards the Register for the Year One thousand eight hundred and fifty-one), or next previous (in any succeeding Year) to the Twentieth Day of *July* in such Year, such Person having paid, on or before the Thirtieth Day of *September* One thousand eight hundred and fifty (as regards the Register for the Year One thousand eight hundred and fifty-one), or (in any succeeding Year) on or before the First Day of *July* in such Year, all the Poor's Rates which shall, previously to the Thirty-first Day of *March* One thousand eight hundred and fifty (as regards the Register for the Year One thousand eight hundred and fifty-one), and previously (in any succeeding Year) to the First Day of *January* in such Year, have become payable from him in respect of all such Premises so occupied by him in succession.

Provisions as to Qualification.

VIII. And be it enacted, That from and after the Time when the first Register under this Act of Persons entitled to vote at any Election of a Member or Members to serve in Parliament for any City, Town, or Borough in *Ireland* shall be in force, no Person, except as herein-before provided, shall be entitled to vote at any Election of a Member or Members to serve in Parliament for such City, Town, or Borough, in respect of any Qualification which requires the Elector to be or to have been in the actual Occupation of any Lands, Tenements, or Hereditaments, or any Premises, situate within such City, Town, or Borough, save and except any Forty Shilling Freeholder or Five Pound Inhabitant Householder who may be qualified under the said first-recited Act, if duly registered under the Provisions of this Act.

After Completion of the first general Register no one to vote at an Election for a City, Town, or Borough on a Qualification requiring Occupation, unless qualified under this Act.

IX. And whereas it is enacted by the said Act to amend the Representation of the People of *Ireland*, "that no Person shall be "allowed to have any Vote at any Election of a Member or Members "to serve in Parliament for or by reason of any Trust Estate or "Mortgage, unless such Trustee or Mortgagee be in actual Re-"ceipt of the Rents and Profits of the same Estate, but that the "Cestuique Trust or Mortgagor in possession shall and may register "and vote for the same Estate, notwithstanding such Trust or Mort-"gage:" And whereas Doubts have arisen as to the true Intent and Meaning of such last-mentioned Enactment: Be it therefore declared and enacted, That no Mortgagee of any Lands, Tenements, or Hereditaments shall vote in any Election of a Member or Members to serve in Parliament for or by reason of any Mortgage Estate therein, unless he be in the actual Possession and Receipt of the Rents and Profits thereof, but that the Mortgagor in actual Possession or in Receipt of the Rents and Profits thereof shall and may vote for the same, notwithstanding such Mortgage; and that no Trustee of any Lands, Tenements, or Hereditaments shall in any Case have a Right to vote in

Provisions as to Trust and Mortgage Estates in Counties and Boroughs.

Provisions as to Qualification.

in any such Election for or by reason of any Trust Estate therein, but that the Cestuique Trust in actual Possession or in the Receipt of the Rents and Profits thereof, though he may receive the same through the Hands of the Trustee, shall and may vote for the same, notwithstanding such Trust.

Provisions of recited Act in respect of Registration, &c. to be repealed from the 8th Sept. 1850, save as here excepted.

X. And be it enacted, That from and after the Eighth Day of *September* in the Year of our Lord One thousand eight hundred and fifty so much of the said recited Act to amend the Representation of the People of *Ireland* as relates to the Registration of Voters for the several Counties, Cities, Towns, and Boroughs in *Ireland* having the Right to send a Member or Members to serve in Parliament, and the Expenses of such Registration, and the Payment of Grand Jury and Municipal Cesses, Rates, and Taxes, previous to and as a Condition of Registration in Cities, Towns, and Boroughs, and the making of Affidavits of Registry, and the giving of Certificates of Registry, and the Right of Appeal by any rejected Claimant, shall be and the same is hereby repealed, save as to any Registration had under the Provisions of the said Act before the said Eighth Day of *September*, and save as to the University of *Dublin*, and save as to the Ascertainment of the Assistant Barrister, Chairman, or Deputy of such Chairman, before whom the Sessions for the Registration of Voters for any such County, City, Town, or Borough is to be held, and save as to the yearly Remuneration provided by the said Act for any such Assistant Barrister and Chairman, and the Remuneration provided for the Deputy of such Chairman in the Case of the City of *Dublin*, and save so far as the said Provisions of the said Act repeal any former Act.

Laws in force before the passing of this Act, as to Right of voting and Registration, to continue in force until the Periods here mentioned.

XI. Provided always, and be it enacted, That until the Sixteenth Day of *March* One thousand eight hundred and fifty-one all Persons who, under the Laws in force immediately before the passing of this Act, would have been entitled to vote at any Election of a Member or Members to serve in Parliament for any County, City, Town, or Borough in *Ireland*, shall have and be entitled to the same Right of voting at any such Elections as if this Act had not been passed; and that until the Ninth Day of *September* One thousand eight hundred and fifty every Person who, under the Laws in force immediately before the passing of this Act, would have been entitled to be registered under the said recited Act, shall and may be registered in the same Manner in all respects as if this Act had not been passed.

No Person to vote after 15th March

XII. And be it enacted, That after the Fifteenth Day of *March* in the Year of our Lord One thousand eight hundred and fifty-one, no Person

Person shall be entitled to vote in the Election of a Member or Members to serve in Parliament for any County, City, Town, or Borough in *Ireland*, (the University of *Dublin* only excepted,) unless such Person shall have been duly registered according to the Provisions of this Act; and that no Person shall after the said last-mentioned Day be admitted or entitled to vote at any such Election on the Evidence or by virtue of any Certificate or Affidavit of Registry whatsoever.

1851, unless registered under this Act.

XIII. And be it enacted, That no Person shall be registered under the Provisions of this Act in any Year as a Voter in the Election of a Knight or Knights of the Shire in *Ireland*, in respect of his Estate or Interest in any Lands, Tenements, or Hereditaments, as a Freeholder or Copyholder, unless he shall have been in the actual Possession thereof, or in the Receipt of the Rents and Profits thereof for his own Use, for Six Calendar Months at least next previous to the Ninth Day of *November* in the Year One thousand eight hundred and fifty (as regards the Register for the Year One thousand eight hundred and fifty-one), or next previous (in any succeeding Year) to the Twentieth Day of *July* in such Year, and that no Person shall be so registered in any Year in respect of any Lands, Tenements, or Hereditaments held by him as Lessee or as Assignee of a Lessee, or as Occupier, unless he shall have been in the actual Possession thereof, or in the Receipt of the Rents and Profits thereof for his own Use, as the Case may require, for Twelve Calendar Months next previous to the Ninth Day of *November* in the Year One thousand eight hundred and fifty (as regards the Register for the Year One thousand eight hundred and fifty-one), or next previous (in any succeeding Year) to the Twentieth Day of *July* in such Year: Provided always, that where any Lands, Tenements, or Hereditaments, which would otherwise entitle the Owner, Holder, or Occupier thereof to vote in any such Election, shall come to any Person at any Time within such respective Periods of Six or Twelve Calendar Months, by Descent, Succession, Marriage, Marriage Settlement, Devise, Bequest, or Promotion to any Benefice or Office, such Person shall be entitled in respect thereof to have his Name inserted as a Voter in the Election of a Knight or Knights of the Shire in the Lists then next to be made by virtue of this Act, as herein-after mentioned, and, upon his being duly registered according to the Provisions herein-after contained, to vote in such Election.

Length of Possession required previous to Registration under this Act for Counties.

XIV. And be it enacted, That no Person shall be registered in any Year under this Act as a Voter in the Election of a Member or Members to serve in Parliament for any City, Town, or Borough, in respect of being a Five Pound Inhabitant Householder in such City,

Certain Conditions required previous to Registration under this Act for Boroughs.

Provisions as to Qualification.

City, Town, or Borough in *Ireland*, unless he shall have inhabited such House for a Period of Six Calendar Months next previous to the Ninth Day of *November* One thousand eight hundred and fifty (as regards the Register for the Year One thousand eight hundred and fifty-one), or next previous (in any succeeding Year) to the Twentieth Day of *July* in such Year, nor unless he shall, on or before the Thirtieth Day of *September* One thousand eight hundred and fifty (as regards the Register for the Year One thousand eight hundred and fifty-one), and shall (in any succeeding Year) on or before the First Day of *July* in such Year, have paid or discharged all the Poor Rates, if any, which shall have become payable by him in respect of such House previously to the Thirty-first Day of *March* One thousand eight hundred and fifty (as regards the Register for the Year One thousand eight hundred and fifty-one), and previously (in any succeeding Year) to the First Day of *January* in such Year; and that no Person shall be so registered in any Year as a Voter in the Election of a Member or Members to serve in Parliament for any City, Town, or Borough, as a Freeman or Forty Shilling Freeholder, or by reason of any Corporate or other Right for the Enjoyment of which Residence is by Law required, unless he shall have resided for Six Calendar Months next previous to the Ninth Day of *November* One thousand eight hundred and fifty (as regards the Register for the Year One thousand eight hundred and fifty-one), or next previous (in any succeeding Year) to the Twentieth Day of *July* in such Year, within such City, Town, or Borough, or within Seven Statute Miles of the usual Place of Election therein, nor unless, in the Case of a Freeman or Person entitled by such Corporate or other Right, he shall on the said last-mentioned respective Days of such respective Years be qualified in such Manner as would have entitled him then to be registered or to vote under the said recited Act of the Second and Third Years of His late Majesty, if this Act had not been passed; and that no Person shall be so registered in any Year as a Voter in the Election of a Member or Members to serve in Parliament for any such City, Town, or Borough, as Lessee or as Assignee of a Lessee for any Term of Years, or as Occupier of Lands, Tenements, or Hereditaments within such City, Town, or Borough, unless he shall have been in the actual Possession thereof, or in the Receipt of the Rents and Profits thereof for his own Use, as the Case may require, for a Period of Twelve Calendar Months next previous to the said last-mentioned respective Days of such respective Years; and that no Person shall be so registered in any Year as a Voter in any such Election in right of any Freehold Estate in Lands, Tenements, or Hereditaments within such City, Town, or Borough, unless he shall have been in the actual Possession thereof, or in the Receipt of the Rents and Profits thereof for his own Use, for Six Calendar

Months

Months next previous to the said last-mentioned respective Days of such respective Years: Provided always, that when any Lands, Tenements, or Hereditaments which would otherwise entitle the Owner, Holder, or Possessor thereof to vote in any such Election shall come to any Person at any Time within such respective Periods of Six or Twelve Calendar Months, by Descent, Succession, Marriage, Marriage Settlement, Devise, Bequest, or Promotion to any Benefice or Office, such Person shall in respect thereof be entitled to be registered as a Voter in the Register then next to be made under this Act.

Provisions as to Qualification.

County Registration.

Clerk of the Peace in Counties to prepare List of Persons now registered.

XV. And be it enacted, That, for the Purpose of forming a Register of all Persons entitled to vote in the Election of a Knight or Knights of the Shire to serve in Parliament for the several Counties in *Ireland*, the Clerk of the Peace for every such County shall, on or before the Ninth Day of *September* in the Year One thousand eight hundred and fifty, make out and cause to be printed, according to the Form (Number 1.) in the Schedule (A.) to this Act annexed, alphabetical Lists of all Persons registered under the said recited Act within Eight Years previous to the Sixteenth Day of *March* then next ensuing, in respect of Property situate wholly or part in each Barony, as Voters for such County, with the Dates and Particulars of their respective Registries annexed, excluding nevertheless from such Lists all Persons registered under the said Act in respect of any Qualification heretofore requiring the Elector to be or to have been in the actual Occupation of the Premises: Provided always, that when the Property in respect whereof any Person has been so registered shall be situate in more than One Barony the Clerk of the Peace may, save as last aforesaid, insert the Name of the Person so registered in the Lists of such one of such Baronies as he shall think fit; and each such Clerk of the Peace shall, on or before the First Day of *June* in every Year after the Year One thousand eight hundred and fifty-one, make out and cause to be printed or provided according to the Form (Number 14.) in the said Schedule, a sufficient Number of Copies of such Parts of the Register under this Act of Voters then in force for such County as shall relate to each Barony of such County.

Precepts and Lists to be printed, and Clerk of Peace to send his Precept to Clerks of Unions, together with Copies of

XVI. And be it enacted, That the Clerk of the Peace for every such County shall cause a sufficient Number of Forms of Precepts, Notices, and Lists to be printed as required, according to the respective Forms numbered 2, 3, 4, 5, 6, 8, 10, 13, 15, in the said Schedule (A.) and of the Table (numbered 1.) in the Schedule (C.) to this Act annexed, and shall also, on or before the Ninth Day of *September* in the Year One thousand eight hundred and fifty, and on

Registers of Voters.

on or before the First Day of *June* in each Year after the Year One thousand eight hundred and fifty-one, make and cause to be delivered to the Clerk of every Poor Law Union situate wholly or in part within his County, his Precept, according to the Form (numbered 2.) in the said Schedule (A.), and One or more of the Forms (Number 4.) in the said Schedule, and shall in every succeeding Year make out and cause to be delivered to every such Clerk of a Union his Precept, according to the Form (Number 3.) in the Schedule (A.), together with One or more Copies of such Parts of the Lists of registered Voters under the said recited Act, or of the Register under this Act, of Voters then in force for such County as shall relate to each Barony or Part of a Barony of such County situate in the Union of which he acts as Clerk of the Union, and also One or more of the Forms (Number 15.) in the said Schedule.

In the Year 1850 Clerks of Unions to make out and transmit to Clerks of Peace Returns of Persons rated as Occupiers of Lands of annual Value of 12*l.* or upwards who have duly paid their Poor Rates.

XVII. And be it enacted, That the Clerk of each Poor Law Union wholly or in part within the Limits of any County in *Ireland* shall, on or before the Tenth Day of *October* in the Year One thousand eight hundred and fifty, make out and transmit to the Clerk of the Peace of each County into which any Part of such Union extends a List or Return for each Barony or Division of a Barony of such County situate within such Union of every Male Person of full Age who shall be rated in the then last Rate made under the Acts for the more effectual Relief of the destitute Poor in *Ireland* as the Occupier of any Lands, Tenements, or Hereditaments situate in such Barony or Division of a Barony, and within such Union, of a net annual Value of Twelve Pounds or upwards, excluding nevertheless from such Return every such Occupier who shall not, on or before the Thirtieth Day of *September* in such Year, have paid all Poor Rates (if any) which shall have become payable by him in respect of such Premises previously to the Thirty-first Day of *March* then last, and such Return shall be in the Form and shall contain the Particulars mentioned in the Form (Number 4.) in the Schedule (A.) to this Act annexed; and each such Clerk of a Union, after due Inquiry, which he is required to make, with the Assistance of the respective Collector or Collectors of Poor Rates for such respective Barony or Division of a Barony (and which Assistance such Collector or Collectors is and are hereby required to give for such Purpose), shall and is hereby required to add by a Stamp or in Writing in the Margin of such Return the Word "objected" to the Name of any Person inserted in such Return, in case such Clerk of the Union shall have reasonable Cause to believe such Person not to be or to have ceased to be Occupier as aforesaid of the Lands, Tenements, or Hereditaments in respect of which he shall have been so rated, or not to have been such Occupier during the whole Period from

County Registration.

from the Ninth Day of *November* in the then last preceding Year to the Time of making such Return; and such Clerk of the Union shall also in like Manner add the Word "objected" or "dead" before the Name of any Person in such Return, if such Clerk of the Union shall have reasonable Cause to believe that such Person is not entitled to have his Name on the Register of Voters then next to be made for such County, or is dead, as the Case may be; and such Return shall be signed by such respective Clerk of the Union, and shall be verified by him as true and correct, according to the best of his Belief, by an Oath to be made by him before some Justice of the Peace in and for the said County within which such Lands are situate, or the County in which the Union Workhouse is situate, and which Oath any such Justice is hereby authorized and required to administer, and such Justice shall, under his Hand, certify at the Foot of such Return the taking of such Oath.

Clerk of Peace in the Year 1850, at the End of the List of registered Voters for each Barony, to annex a Supplemental List of rated Occupiers returned by Clerk of Union not on former List, and to make Objections as herein required, and to publish such Lists.

XVIII. And be it enacted, That the Clerk of the Peace of every County in *Ireland* shall, on or before the Ninth Day of *November* in the Year One thousand eight hundred and fifty, frame a Supplemental List of rated Occupiers for every Barony of such County, herein-after referred to as "The Supplemental List," according to the Form (numbered 5.) in the said Schedule (A.) to this Act annexed, of every such Male Person of full Age as shall appear on the Return or the Returns as aforesaid transmitted to him by the Clerk of the Union, or (in case of a Barony being situate in more than One Union) by the Clerks of such Unions, in such Year as the rated Occupier of Lands, Tenements, or Hereditaments in each such Barony of the net annual Value of Twelve Pounds or upwards, except such Persons whose Names already appear on the List of Voters registered under the said recited Act for such Barony made out as aforesaid in such Year by such Clerk of the Peace; and shall, at the End of such List of registered Voters, annex such Supplemental List of rated Occupiers for such Barony, together with the marginal Objections added by the Clerk of the Union to the Names of any Persons included in such Supplemental List; and such Clerk of the Peace shall also add, by a Stamp or in Writing, the Word "objected" or "dead" in the Margin of the List of registered Voters made out by him in such Year before the Name of any Person inserted therein, if such Clerk of the Peace shall, after due Inquiry, (which he is hereby required to make by himself or a sufficient Deputy, and having regard also to and inserting any Objections entered to the Name of any such Person in the said Clerk of the Union's Return,) have reasonable Cause to believe that such Person is not entitled to have his Name on the Register next to be made, or is dead, as the Case may be; and the Clerk of the Peace in such Year shall cause a sufficient

County Registration.

sufficient Number of Copies of such List of registered Voters, with all such marginal Additions as aforesaid, and also of "The Supplemental List" for such Barony, with all such marginal Additions as aforesaid, to be written or printed, and shall on or before the Twelfth Day of *November* sign and publish the same in such respective Barony, and shall likewise keep at some Police Station or other House within such respective Barony (giving due Notice of such Police Station or House at the Time last aforesaid) a Copy of such List of registered Voters and of such "Supplemental List," with all the marginal Additions as aforesaid, signed by him, to be perused by any Person, without Payment of any Fee, at any Time between the Hours of Ten of the Clock in the Forenoon and Four of the Clock in the Afternoon of any Day, except Sundays, during the first Fourteen Days after the same shall have been published, and shall deliver written or printed Copies of such List of registered Voters and Supplemental List, or either of them, signed by him, to all Persons applying for the same, on Payment of a Price for each Copy after the Rate contained in the Table (numbered 1.) in the said Schedule (C.) to this Act annexed.

Clerks of Unions to enter on the Copy of Register of each Barony Objections to all Persons therein stated to be qualified as rated Occupiers of Lands of annual Value of 12*l.* or upwards, who have not duly paid their Poor Rates, or are otherwise not entitled, and to return such Copy of Register to Clerk of Peace.

XIX. And be it enacted, That the Clerk of each Poor Law Union wholly or in part within the Limits of any County in *Ireland*, on or before the Eighth Day of *July* in every Year after One thousand eight hundred and fifty-one, shall, after due Inquiry, which he is hereby required to make, with the Assistance of the respective Collector or Collectors of Poor Rates (which Assistance such Collector or Collectors is and are hereby required to give), upon the Copy of the Register of each Barony or Division of a Barony of such County included within such Union transmitted to him in such Year by the Clerk of the Peace of such County, enter Objections to the Names of Persons not entitled to be on the Register then next to be made in manner following; that is to say, such Clerk of the Union shall add, by a Stamp or in Writing, in the Margin for such Purpose the Word "objected" or "dead" before the Name of any Person whose Qualification, as stated on such Copy of Register, is as rated Occupier of Lands, Tenements, or Hereditaments of the annual Value of Twelve Pounds or upwards, if such Person shall not have been rated in the then last Rate made under the Acts for the more effectual Relief of the destitute Poor in *Ireland* as the Occupier of the same Lands, Tenements, or Hereditaments in such respective Barony of a net annual Value of Twelve Pounds or upwards, or if such Person shall not, on or before the First Day of *July* in such Year, have paid all Poor Rates (if any) which shall have become payable by him in respect of such Lands, Tenements, or Hereditaments previously to the First Day of *January* in such Year, or if such Clerk

of

County Registration.

of the Union shall have reasonable Cause to believe such Person not to be or to have ceased to be Occupier as aforesaid, or not to have been such Occupier during the whole Period from the Twentieth Day of *July* in the then last preceding Year to the then present Time, or if such Clerk of the Union shall have reasonable Cause to believe such Person not to be entitled to have his Name on the Register of Voters then next to be made for such County, or to be dead, as the Case may be; and such Copies of Register shall be in the Form and shall contain the Particulars mentioned in the Form (Number 14.) in the Schedule (A.) to this Act annexed; and such Copies of Register shall be signed by such respective Clerk of the Union, and shall be verified by him as true and correct, according to the best of his Belief, by an Oath to be made by him before some Justice of the Peace in and for the said County within which such Lands are situate, or the County in which the Union Workhouse is situate, and which Oath any such Justice is hereby authorized and required to administer, and to certify at the Foot of such Copies of Register the taking of such Oath; and such Clerk of the Union shall return each such Copy of Register, with all such marginal Additions as aforesaid, to the Clerk of the Peace of such respective County wherein such Barony or Division of a Barony is situate, on or before the Eighth Day of *July* in such Year: Provided always, that in case any Barony of a County shall be divided so as to lie in more than One Union, the Clerk of the Peace of such County shall transmit as aforesaid One or more Copies of Register for such Barony to the Clerk of each such Union, together with a List of the Townlands situate in the respective Division of such Barony situate in such Union, who shall deal with such Copy of Register, and the Names of the Persons contained therein, so far as it relates to the Division of such Barony within his Union, in all respects as in this Provision is directed or required in the Case of a Barony not so divided.

In every Year after 1851 Clerks of Unions also to transmit to Clerk of Peace Supplemental Lists of Persons rated as Occupiers of Lands of annual Value of 12*l.* or upwards who have paid their Poor Rates, and are

XX. And be it enacted, That the Clerk of each Poor Law Union wholly or in part within the Limits of any County in *Ireland* shall, on or before the Eighth Day of *July* in every Year after the Year One thousand eight hundred and fifty-one, make out, and, together with such Copy of Register for each such Barony or Division of a Barony of the County within his Union, transmit to the Clerk of the Peace of the County as aforesaid a Supplemental List of every Male Person of full Age not already appearing on such Copy of Register who shall be rated in the then last Rate made under the Acts for the more effectual Relief of the destitute Poor in *Ireland* as the Occupier of any Lands, Tenements, or Hereditaments situate within such Union, and in such respective Barony or Division of a Barony, as the

not already on the Register for the Barony.

Case may be, of a net annual Value of Twelve Pounds or upwards, excluding nevertheless from such Supplemental List every such Occupier who shall not on or before the First Day of *July* in such Year have paid all Poor Rates (if any) which shall have become payable by him in respect of such Lands, Tenements, or Hereditaments previously to the First Day of *January* then last; and such Clerk of the Union is hereby required, after due Inquiry as aforesaid, with the Assistance of the respective Collector or Collectors of Poor Rates as aforesaid, (which Assistance such Collector or Collectors is and are hereby required to give,) to enter Objections before the Names of Persons in such Supplemental List contained, and not entitled to be on the Register next to be made, in like Manner in all respects and in the like Cases as in the immediately preceding Provision directed and required with regard to the Copy of Register of such Barony or Division of a Barony and the Names therein contained, and such Supplemental List shall be in the Form and shall contain the Particulars mentioned in the Form (Number 15.) in the Schedule (A.) to this Act annexed; and such List shall be signed by such respective Clerk of the Union, and shall be verified by him as true and correct, according to the best of his Belief, by an Oath to be made by him before some Justice of the Peace in and for the said County within which such Lands are situate, or the County in which his respective Union Workhouse is situate, and which Oath any such Justice is hereby authorized and required to administer, and to certify at the Foot of such List the taking of such Oath.

Clerk of Peace on Copy of Register of each Barony returned by Clerk of Union to enter Objections to Persons not entitled as herein required, and to publish such Copy of Register

XXI. And be it enacted, That the Clerk of the Peace of every County in *Ireland* shall, on or before the Twentieth Day of *July* in every Year after One thousand eight hundred and fifty-one, after making due Inquiry (which he is hereby required to make by himself or a sufficient Deputy), upon the Copy of the Register for each Barony or Division of a Barony aforesaid returned to him by the respective Clerk of the Union, enter Objections before the Names of Persons therein contained, and not entitled to be on the Register next to be made, in manner following; that is to say, he shall add, by a Stamp or in Writing, in the Margin for such Purpose, the Word "objected" or "dead" before the Name of any Person in such Copy of Register, whose Qualification as stated therein is other than as rated Occupier, if such Clerk of the Peace, after such due Inquiry as aforesaid, have reasonable Cause to believe that such Person is not entitled to have his Name on the Register next to be made, or is dead, as the Case may be; and in the Case of a Barony being divided so as to be situate in several Unions as aforesaid, the Clerk of the Peace shall make out one complete Copy of Register for such Barony, by selecting the Copy of Register so returned to him

for

County Registration.

for One such Division of such Barony, and truly and carefully transferring to such Copy of Register all the Objections entered in the other Copy or Copies of such Register to any Person or Persons in the other Division or Divisions of such Barony by the Clerk of the Union or Clerks of the Unions comprising such other Division or Divisions of such Barony; and the Clerk of the Peace shall cause a sufficient Number of Copies of such Copy of the Register for each Barony, with all such marginal Additions as aforesaid, and also of "The Supplemental List" for such Barony, with all such marginal Additions as aforesaid, to be written, printed, or provided, and shall, on or before the Twenty-second Day of *July*, sign and publish the same in the Barony to which the same shall relate, and shall likewise keep at some Police Station or other House within such respective Barony (giving due Notice of such Police Station or House at the Time last aforesaid) a Copy of such Copy of the Register, and of such "Supplemental List," with all the marginal Additions as aforesaid, signed by him, to be perused by any Person, without Payment of any Fee, at any Time between the Hours of Ten of the Clock in the Forenoon and Four of the Clock in the Afternoon of any Day, except *Sundays*, during the first Fourteen Days after the same shall have been published, and shall deliver written or printed Copies of them or either of them, signed by him, to all Persons applying for the same, on Payment of a Price for each Copy after the Rate contained in the Table (numbered 1.) in the said Schedule (C.) to this Act annexed.

Clerks of Peace to give Notice annually, requiring Voters to claim.

XXII. And be it enacted, That the Clerk of the Peace of every County in *Ireland* shall, on or before the Twelfth Day of *November* in the Year One thousand eight hundred and fifty, publish a Notice in each Barony according to the Form (numbered 6.) in the said Schedule (A.), having first signed the same, requiring all Persons entitled by virtue of any Registration under the said recited Act or otherwise to be inserted in the Register and vote in the Election of a Knight or Knights of the Shire to serve in Parliament in respect of any Property situated wholly or in part within each Barony, who shall not be upon the said List for such Barony of Voters registered under the said recited Act, and shall not be on the Supplemental List for such Barony, and also all Persons entitled to vote as aforesaid, who, having been registered under the said Act, shall not retain the same Qualification or continue in the same Place of Abode as described in such List of registered Voters, and who respectively are desirous to have their Names inserted in the Register about to be made under this Act, (except Persons registered under the said recited Act in respect of any Qualification heretofore requiring the Elector to be or to have been

County Registration.

been in the actual Occupation of the Premises,) to deliver or send to him at his Office, on or before the Twenty-fifth Day of *November* in the Year One thousand eight hundred and fifty, a Notice in Writing, by them signed, of their Claim to vote as aforesaid; and every such Person, or any Person who, being upon such List of registered Voters as aforesaid, may be desirous to make a new Claim, shall on or before the said Twenty-fifth Day of *November* deliver or send to the said Clerk of the Peace a Notice, signed by him, of his Claim, according to the Form of Notice set forth in that Behalf in the Form (numbered 7.) in the said Schedule (A.), or to the like Effect; and the Clerk of the Peace of every County shall on or before the Twenty-second Day of *July* in every Year after One thousand eight hundred and fifty-one publish in each Barony a Notice according to the Form (numbered 8.) in the said Schedule (A.), having first signed the same, requiring all Persons entitled to vote in the Election of a Knight or Knights of the Shire to serve in Parliament in respect of any Property situate wholly or in part in each Barony, who shall not be upon the Register for such Barony of Voters then in force, and shall not be on the Supplemental List for such Barony, and all Persons so entitled to vote as aforesaid, who, being upon such Register, shall not retain the same Qualification or continue in the same Place of Abode as described in such Register, and who are desirous to have their Names inserted in the Register about to be made, to give or send to the said Clerk of the Peace at his Office, on or before the Fourth Day of *August* then next ensuing, a Notice in Writing, by them signed, of their Claim to vote as aforesaid; and every such Person, and any Person who, being upon such Register, may be desirous to make a new Claim, shall on or before the said Fourth Day of *August* deliver or send to the said Clerk of the Peace at his Office a Notice, signed by him, of his Claim, according to the Form of Notice set forth in that Behalf in the Form (numbered 9.) in the said Schedule (A.), or to the like Effect.

Clerks of Peace to prepare Lists of Claimants, make Objections, &c.

XXIII. And be it enacted, That the Clerk of the Peace of every County in *Ireland* shall on or before the Thirtieth Day of *November* in the Year One thousand eight hundred and fifty, and on or before the Ninth Day of *August* in every Year after One thousand eight hundred and fifty-one, make out, according to the Form (numbered 10.) in the said Schedule (A.), an alphabetical List for each Barony of all Persons who on or before the Twenty-fifth Day of *November* in the Year One thousand eight hundred and fifty, or on or before the Fourth Day of *August* then next preceding in each Year after One thousand eight hundred and fifty-one, shall have claimed as aforesaid for such Barony; and in every such List the Christian Name

County Registration.

Name and Surname of every Claimant, with the Place of his Abode, the Nature of his Qualifications, and the local or other Description of the Property, and the Name of the occupying Tenant thereof (if any), shall be written as the same are stated in the Claim; and the said Clerk of the Peace, if he shall have reasonable Cause to believe that any Person whose Name shall appear in such List of Claimants is not entitled to have his Name upon the Register for such Barony then next to be made, shall add, by a Stamp or in Writing, the Word "objected" before the Name of every such Person on the Margin of such List of Claimants; and the Clerk of the Peace shall cause a sufficient Number of Copies of such List of Claimants in each Barony, with all such marginal Additions as aforesaid, to be written or printed, and shall on or before the Second Day of *December* in the Year One thousand eight hundred and fifty, or on or before the Eleventh Day of *August* in each Year after One thousand eight hundred and fifty-one, sign and publish the same in such Barony to which the same relates, and shall likewise keep at some Police Station or other House within such respective Barony (giving due Notice of such Police Station or House at the respective Times last aforesaid) a Copy of such List of Claimants, with the marginal Additions as aforesaid, signed by him, to be perused by any Person, without Payment of any Fee, at any Time between the Hours of Ten of the Clock in the Forenoon and Four of the Clock in the Afternoon of any Day, except *Sunday*, during the first Fourteen Days after the same shall have been published, and shall deliver written or printed Copies thereof, signed by him, to all Persons applying for the same, on Payment of a Price for each Copy after the Rate contained in the Table (numbered 1.) in the said Schedule (C.) to this Act annexed.

Copies of Lists to be kept for Inspection, without Fee, for 14 Days, and may be sold.

XXIV. And be it enacted, That in the Year One thousand eight hundred and fifty, and for the Purposes of the Register for One thousand eight hundred and fifty-one, the List as aforesaid of Voters registered under the said recited Act, and in every succeeding Year the Copy of the Register for the Time being, together, in such respective Year, with the Supplemental List and such List of Claimants (if any) as aforesaid for every Barony, with the marginal Additions respectively as aforesaid, shall be deemed to be the List of Voters of such Barony for the County within which such Barony may be situate, for the Purposes herein-after mentioned.

List of registered Voters, or the Copy of Register for each Barony, with the List of Claimants, to be deemed the List of Voters for such Barony.

XXV. And be it enacted, That it shall be lawful for any Person whose Name shall be on any List of Voters for the Time being for any County in *Ireland*, upon Request made by him, at any Time between

Claimants and registered Voters empowered to inspect

Rate Books, and to take Extracts, without Fee.

between the Hours of Ten of the Clock in the Forenoon and Four of the Clock in the Afternoon of any Day, except *Sunday*, between the Twelfth Day of *November* and the Thirteenth Day of *December* in the Year One thousand eight hundred and fifty, and between the Twenty-seventh Day of *July* and the Twenty-first Day of *August* in every Year after One thousand eight hundred and fifty-one, to any Clerk of the Union or other Officer having the Custody of any Poor Rate Book, to inspect such Poor Rate Book, and make Extracts therefrom, for any Purpose relating to any Claim or Objection made or intended to be made by or against such Person; and every such Clerk of the Union or other Officer as aforesaid is hereby required, upon such Request as aforesaid, to permit such Inspection and the making of such Extracts, without Payment of any Fee.

Registered Voters empowered to object to Persons registered or claiming.

XXVI. And be it enacted, That in the Year One thousand eight hundred and fifty every Person who shall have been registered as a Voter for any County in *Ireland* under the Provisions of the said recited Act within Eight Years next previous to the Sixteenth Day of *March* in the Year One thousand eight hundred and fifty-one, and in every Year after One thousand eight hundred and fifty-one, every Person who shall be upon the Register of Voters for the Time being for any such County may object to any other Person upon any List of Voters or List of Claimants for such County as not having been entitled on the Ninth Day of *November* next preceding (as regards the Year One thousand eight hundred and fifty), and on the Twentieth Day of *July* then next preceding (as regards each Year after One thousand eight hundred and fifty-one), to have his Name inserted in any List of Voters or Claimants for such County; and every Person so objecting (save and except Clerks of the Peace and Clerks of the Union objecting in the Manner herein-before mentioned) shall on or before the Twelfth Day of *December* in the Year One thousand eight hundred and fifty, and on or before the Twentieth Day of *August* in each Year after One thousand eight hundred and fifty-one, give or cause to be given to the Clerk of the Peace of the County a Notice, according to the Form (numbered 11.) in the said Schedule (A.), or to the like Effect; and the Person so objecting shall on or before the said Twelfth Day of *December* in the Year One thousand eight hundred and fifty, and on or before the Twentieth Day of *August* in each Year after One thousand eight hundred and fifty-one, give or cause to be given to the Person so objected to, or leave or cause to be left at his Place of Abode as described in such List, a Notice according to the Form (numbered 12.) in the said Schedule (A.), or to the like Effect; and every such Notice of Objection shall be signed by the Party so objecting as aforesaid;

Notice of Objection.

County Registration.

aforesaid; and whenever the Place of Abode of the Person objected to as described in the said List shall not be in the Barony to which such List may relate, and the Name of the occupying Tenant of the whole or any Part of the qualifying Property, together with his Place of Abode, shall appear in such List, the Person so objecting shall also, on or before the same Day, give to or leave, or cause to be given or left, at the Place of Abode of any such occupying Tenant, a duplicate Notice, signed as aforesaid.

Clerk of the Peace to make out a List of Persons objected to, which shall be open to Inspection, and shall be published.

XXVII. And be it enacted, That the Clerk of the Peace shall in every Year include the Names of all Persons against whom Notice of Objection shall have been given to him as aforesaid in that Year in a List for each Barony, according to the Form (numbered 13.) in the said Schedule (A.), and shall publish such List in such Barony on or before the Fourteenth Day of *December* in the Year One thousand eight hundred and fifty, and on or before the Twenty-second Day of *August* in each Year after One thousand eight hundred and fifty-one, and shall also keep at some Police Station or other House in such respective Barony (giving due Notice of such Police Station or House at the respective Times last aforesaid) a Copy of such List, to be perused by any Person, without Payment of any Fee, at any Time between the Hours of Ten of the Clock in the Forenoon and Four of the Clock in the Afternoon of any Day, except *Sunday*, during the first Fourteen Days after such List shall have been so published, and shall deliver a Copy of such List to any Person requiring the same, on Payment of a Price for each Copy after the Rate contained in the Table (numbered 1.) in the Schedule (C.) to this Act annexed: Provided also, that the Clerk of the Peace shall in due Time for the Purposes aforesaid in each Year cause to be printed or provided a sufficient Number of Notices of Claim according to the Forms (No. 7. and 9.), and of the Notices of Objection according to the Forms (No. 11. and 12.) in the said Schedule (A.) or to the like Effect, and shall give a Copy thereof, without Cost or Charge, to any Person applying for the same in order to make a Claim or Objection.

Borough Registration.

Clerk of the Peace acting for Boroughs to prepare Lists of Persons now registered, except as herein mentioned.

XXVIII. And be it enacted, That for the Purpose of forming a Register of all Persons entitled to vote in the Election of a Member or Members to serve in Parliament for the several Cities, Towns, and Boroughs in *Ireland*, the Clerk of the Peace of or acting in or for every such City, Town, or Borough entitled to return a Member or Members to serve in Parliament shall, on or before the Ninth Day of *September* in the Year One thousand eight hundred and fifty, make out according to the Form (numbered 1.) in the Schedule (B.) to this Act annexed, an alphabetical List of all Persons, if any, registered

Borough Registration.

registered within Eight Years previous to the Sixteenth Day of *March* then next ensuing, as Voters for such City, Town, or Borough, under the said recited Act to amend the Representation of the People of *Ireland*, in respect of the Inhabitancy of Houses situate within such City, Town, or Borough, with the Dates and Particulars of their respective Registries annexed, and another alphabetical List, according to the Form (numbered 2.) in the said Schedule (B.), of all other Persons (except Persons on the Freemen's Roll, and except all Persons registered under the said recited Act in respect of the Occupation of Premises of the clear yearly Value of not less than Ten Pounds, or in respect of any Qualification, save that of Forty Shilling Freeholders, requiring the Elector to be or to have been in actual Occupation,) registered under the said Act, within the Period aforesaid, by virtue of any other Right whatsoever, as Voters for such City, Town, or Borough, with the Dates and Particulars of their respective Registries annexed, and a third alphabetical List, according to the Form (numbered 3.) in the said Schedule (B.) of all Persons on the Freemen's Roll registered under the said Act within the Period aforesaid as Voters for such City, Town, or Borough, with the Dates and Particulars of their respective Registries annexed; and each such Clerk of the Peace shall on or before the First Day of *June* in the Year One thousand eight hundred and fifty-two, and each of the next succeeding Five Years, make out, according to the like Forms, separate alphabetical Lists of all Persons, except as aforesaid, registered under the said recited Act within Eight Years previous to the First Day of *December* then next ensuing, who shall then appear on the Register of Voters for such City, Town, or Borough, with the Dates and Particulars of their respective Registries annexed, each in the proper List, according to the Nature of his Franchise.

Precept, Forms, and printed Lists to be delivered by the Clerk of the Peace to Town Clerk.

XXIX. And be it enacted, That the Clerk of the Peace of or acting in or for every such City, Town, or Borough shall cause a sufficient Number of Forms of Notices and Lists to be printed, according to the respective Forms (numbered 5, 6, 7, 8, 9, 11, 12, 13, 16, 17, and 18) in the said Schedule (B.) and of the Table (numbered 1.) in the said Schedule (C.) to this Act annexed, and shall also, on or before the Ninth Day of *September* in the Year One thousand eight hundred and fifty, and on or before the First Day of *June* in the Year One thousand eight hundred and fifty-two, and every succeeding Year, make and cause to be delivered to the Town Clerk of every such City, Town, or Borough his Precept in Writing, according to the Form (numbered 4.) in the said Schedule (B.), and also a sufficient Number of the said printed Forms of Notices and Lists and of the said Table, and shall also in the Years One thousand eight

hundred and fifty and One thousand eight hundred and fifty-two, and each of the next succeeding Five Years, deliver together therewith to the Town Clerk of every such City, Town, or Borough the said alphabetical Lists directed to be made out by him as aforesaid, and also in every Year after the Year One thousand eight hundred and fifty-one a sufficient Number of Copies of the Register under this Act of Voters then in force for such City, Town, or Borough.

Borough Registration.

XXX. And be it enacted, That the Town Clerk of every such City, Town, or Borough shall on or before the Thirteenth Day of *September* in the Year One thousand eight hundred and fifty, and on or before the Fifth Day of *June* in every Year after One thousand eight hundred and fifty-one, publish a Notice in Writing, according to the Form (numbered 5.) in the said Schedule (B.), stating that no Person will be entitled to have his Name inserted in any List of Voters for such City, Town, or Borough then next to be made in respect of the Inhabitancy of a House, or in respect of the Occupation of Premises rated under the Acts for the Relief of the destitute Poor in *Ireland*, as of a net annual Value of Eight Pounds or upwards, situate within such City, Town, or Borough, unless he shall pay, on or before the Thirtieth Day of *September* in the Year One thousand eight hundred and fifty, and on or before the First Day of *July* then next ensuing in each Year after One thousand eight hundred and fifty-one, all the Poor's Rates (if any) which shall have become payable by him in respect of such Premises previously to the Thirty-first Day of *March* One thousand eight hundred and fifty (as regards the Register for the Year One thousand eight hundred and fifty-one), and previously, in any succeeding Year, to the First Day of *January* in such Year.

Town Clerks of Boroughs, &c. to publish previous to Registration Notice requiring Payment of Poor Rate.

XXXI. And be it enacted, That the Town Clerk of every such City, Town, or Borough, for his Assistance in making out the List of Voters as herein-after mentioned, (upon Request made by him at any Time between the Hours of Ten of the Clock in the Forenoon and Four of the Clock in the Afternoon of any Day, except *Sunday*, between the Fifth Day of *November* and the Twelfth Day of *December* in the Year One thousand eight hundred and fifty, and between the Sixteenth Day of *June* and the Twentieth Day of *July* in every Year after One thousand eight hundred and fifty-one, to any Collector of Poor Rates, or to any other Officer having the Custody of any such Rate or Rate Book,) shall have free Liberty to inspect the same, and to extract such Particulars as may appear to such Town Clerk to be necessary; and every Collector of Poor Rates of Premises within such City, Town, or Borough, or Officer having the Custody of

Town Clerks empowered to inspect Rate Books, and obtain List of Defaulters.

Poor Rate Collector to deliver to

Town Clerk List of Defaulters, if required.

of the Rate Books relating to the same, shall (if required by the Town Clerk) within Four Days after the Thirtieth Day of *September* in the Year One thousand eight hundred and fifty, or the First Day of *July* in every Year after One thousand eight hundred and fifty-one, make out and deliver to the said Town Clerk a List containing the Name and Place of Abode of every Person who shall not have paid on or before the Thirtieth Day of *September* in the Year One thousand eight hundred and fifty, and on or before the said First Day of *July* in each Year after One thousand eight hundred and fifty-one, all such Rates within the Collection of such Collector as aforesaid which shall have become payable by him (if any) in respect of the Occupation of any Lands, Tenements, or Hereditaments in such City, Town, or Borough, describing such Premises, previously to the Thirty-first Day of *March* One thousand eight hundred and fifty (as regards the Register for the Year One thousand eight hundred and fifty-one), and previously, in any succeeding Year, to the First Day of *January* in such Year; and the Town Clerk shall keep the said List, to be perused by any Person, without Payment of any Fee, at any Time between the Hours of Ten of the Clock in the Forenoon and Four of the Clock in the Afternoon of any Day, except *Sunday*, during the first Fourteen Days after the List of Voters shall have been published as herein-after mentioned.

Town Clerk to keep List, to be open to Inspection, without Fee.

Clerks of Unions to transmit to Town Clerk Lists of Persons rated as Occupiers of Premises of an annual Value of 8*l.* or upwards.

XXXII. And be it enacted, That the Clerk of every Poor Law Union comprising the whole or any Part of any City, Town, or Borough in *Ireland* returning a Member or Members to serve in Parliament shall, on or before the Tenth Day of *October* in the Year One thousand eight hundred and fifty, and on or before the Eighth Day of *July* in every Year after One thousand eight hundred and fifty-one, make out and transmit to the Town Clerk of each such City, Town, or Borough a List of every Male Person of full Age who shall be rated in the then last Rate made under the Acts for the more effectual Relief of the destitute Poor in *Ireland* as the Occupier of any Lands, Tenements, or Hereditaments situate within such City, Town, or Borough, of a net annual Value of Eight Pounds or upwards, and of every such Person as last aforesaid who shall be rated in the then last Rate made under the said Acts jointly with any other Person or Persons as the Occupier of any such Lands, Tenements, or Hereditaments, situated as aforesaid, of a net annual Value of such an Amount as when divided by the Number of Occupiers would give to each such Occupier a net annual Value of Eight Pounds or upwards, excluding nevertheless from such List every such Occupier and every such joint Occupier who shall not in the Year One thousand eight hundred and fifty on or before the Thirtieth Day of *September*, and in

Borough Registration.

in each Year after One thousand eight hundred and fifty-one shall not on or before the First Day of *July* in such Year, have paid all Poor Rates (if any) which shall have become payable by him in respect of such Premises previously (in the Year One thousand eight hundred and fifty) to the Thirty-first Day of *March* in such Year, and previously (in any Year after One thousand eight hundred and fifty-one) to the First Day of *January* then last; and such Lists shall be in the Form and shall contain the Particulars mentioned in Form (No. 6.) in the Schedule (B.) to this Act annexed; and such Lists shall be signed by such respective Clerk of the Union, and shall be verified by him as true and correct according to the best of his Belief, by an Oath or Declaration to be taken or made by him before some Justice of the Peace acting in and for the said City, Town, or Borough, or the County in which the Union Workhouse is situate, and which Oath or Declaration any such Justice is hereby authorized and required to take.

Town Clerk to make out annually Lists of Persons entitled to vote.

XXXIII. And be it enacted, That the Town Clerk of every such City, Town, or Borough shall, on or before the Ninth Day of *November* in the Year One thousand eight hundred and fifty, and on or before the Twentieth Day of *July* in every Year after One thousand eight hundred and fifty-one, make out or cause to be made out alphabetical Lists of all Persons who shall be entitled to vote in the Election of a Member or Members to serve in Parliament for such City, Town, or Borough; that is to say, first, an alphabetical List, according to the Form (numbered 7.) in the Schedule (B.) to this Act annexed, of every such Male Person of full Age as shall appear on the List transmitted to him by the Clerk of the Union in such respective Year as the rated Occupier, or One of several such rated joint Occupiers, of Lands, Tenements, or Hereditaments situate within such City, Town, or Borough, of the net annual Value of Eight Pounds or upwards, and (in the Case of joint Occupiers) of the net annual Value of Eight Pounds or upwards for each of such joint Occupiers as aforesaid, and also of all Persons (if any) who shall be then entitled to vote in the Election of a Member or Members to serve in Parliament for such City, Town, or Borough in respect of the Inhabitancy of Houses; and another alphabetical List, according to the Form (numbered 8.) in the said Schedule (B.), of all other Persons (except Persons on the Freemen's Roll) who shall be entitled to vote in the Election of such City, Town, or Borough by virtue of any other Right whatsoever; and a third alphabetical List, according to the Form (numbered 9.) in the Schedule (B.), of all Persons on the Freemen's Roll who shall be entitled to vote in the Election of such City, Town, or Borough, and shall in the Year One thousand eight hundred and fifty, and the Year One thousand

Persons now registered to be placed on such Lists, unless disqualified.

Borough Registration.

thousand eight hundred and fifty-two, and in each of the next succeeding Five Years, insert in such Lists respectively all Persons on the several alphabetical Lists delivered to such Town Clerk by the Clerk of the Peace as afore provided, with the Dates of their respective Registries under the said recited Act annexed, each in the proper List according to the Nature of his Franchise (except all Persons registered under the said recited Act in respect of the Occupation of Premises of the clear yearly Value of not less than Ten Pounds situate within such City, Town, or Borough): Provided always, that such Town Clerk shall omit from the first-mentioned List all such Persons as shall not have paid on or before the Thirtieth Day of *September* in the Year One thousand eight hundred and fifty, or on or before the First Day of *July* in each Year after One thousand eight hundred and fifty-one, all Poor Rates payable by them severally, if any, in respect of such Lands, Tenements, or Hereditaments, previously to the Thirty-first Day of *March* One thousand eight hundred and fifty (as regards the Register for the Year One thousand eight hundred and fifty-one), and previously (in any succeeding Year) to the First Day of *January* in such Year, and shall in like Manner omit from the Two last-mentioned Lists all such Forty Shilling Freeholders, Freemen, and others entitled to vote by any Right to the Enjoyment of which Residence is by Law required, as shall not have resided for Six Calendar Months next previous to the Ninth Day of *November* in the Year One thousand eight hundred and fifty (as regards the Register for the Year One thousand eight hundred and fifty-one), or next previous (in any succeeding Year) to the Twentieth Day of *July* in such respective Year, within the said City, Town, or Borough, or within Seven Statute Miles of the usual Place of Election therein, and shall add, by a Stamp or in Writing, the Word "objected" to the Name of any Person inserted in such first-mentioned List in case such Town Clerk shall have reasonable Cause to believe such Person not to be or to have ceased to be Occupier or joint Occupier as aforesaid of the Premises in respect of which he shall have been rated, or not to have been such Occupier or joint Occupier for the Space of Twelve Calendar Months next previous to the said last-mentioned respective Days in such respective Years; and such Town Clerk shall in every Year after One thousand eight hundred and fifty-one in like Manner add the Word "objected" to the Name of every Person whose Qualification appearing on such Copy of Register shall be the Occupation or joint Occupation of Premises of the net annual Value of Eight Pounds or upwards, or (in the Case of joint Occupiers) of the net annual Value of Eight Pounds or upwards for each of such joint Occupiers, and who shall not

Borough Registration.

appear in the List transmitted to him by the Clerk of such Union in such Year; and such Town Clerk in every Year shall also in like Manner add the Word "objected" or "dead" before the Name of any Person contained in such List of Voters or Copy of Register delivered by the Clerk of the Peace as aforesaid, if such Town Clerk have reasonable Cause to believe that such Person is not entitled to have his Name on the Register then next to be made, or is dead, as the Case may be; and in each of the said Lists the Christian Name and Surname of every such Person shall be written at full Length, together with the Place of his Abode and the Nature of his Qualification, and where any Person shall be entitled to vote in respect of any Lands, Tenements, or Hereditaments, then the Name of the Street, Lane, and the Number of the House (if any), or other Description of the Place, where such Lands, Tenements, or Hereditaments may be situate, shall be specified in the List; and the said Town Clerk shall sign such List, and shall forthwith cause a sufficient Number of Copies of the said Lists, with all such marginal Additions, to be written or printed, and shall publish Copies of the said Lists on or before the Twelfth Day of *November* in the Year One thousand eight hundred and fifty, and on or before the Twenty-second Day of *July* in each Year after One thousand eight hundred and fifty-one, and shall likewise keep a Copy of each of the said Lists, to be perused by any Person, without Payment of any Fee, at any Time between the Hours of Ten of the Clock in the Forenoon and Four of the Clock in the Afternoon of any Day, except *Sunday*, during the first Fourteen Days after such Lists shall have been so published, and shall deliver Copies thereof to all Persons applying for the same, on Payment of a Price for each Copy after the Rate contained in the Table (numbered 1.) in the Schedule (C.) to this Act annexed.

Lists when signed to be published and sold.

XXXIV. And be it enacted, That every Person whose Name shall have been omitted in any such List of Voters for any such City, Town, or Borough so to be made out as aforesaid, and who shall claim as having been entitled on the Ninth Day of *November* One thousand eight hundred and fifty (as regards the Register for the Year One thousand eight hundred and fifty-one), or on the Twentieth Day of *July* then next preceding (as regards every Year after One thousand eight hundred and fifty-one), by virtue of any Registration under the herein-before first-recited Act or otherwise, to have his Name inserted therein, (except Persons claiming by virtue of any such Registration in respect of the Occupation of Premises of the clear yearly Value of not less than Ten Pounds,) and every Person desirous of being registered for a different Qualification than that for which his Name appears in the said List, shall on or before the

Persons omitted from Lists of Voters may claim, and Lists of Claimants to be made and published, and sold.

Borough Registration.

the Twenty-fifth Day of *November* in the Year One thousand eight hundred and fifty, and on or before the Fourth Day of *August* in each Year after One thousand eight hundred and fifty-one, give or cause to be given to the Town Clerk of such City, Town, or Borough a Notice according to the Form (numbered 10.) in the said Schedule (B.), or to the like Effect, and the Town Clerk shall include the Names of all Persons so claiming as aforesaid in Lists according to the Forms (numbered 11, 12, and 13) respectively in the said Schedule (B.); and in every such List the Christian Name and Surname of every Claimant, with the Place of his Abode, the Nature of his Qualifications, and the local or other Description of the Property, shall be inserted as the same are stated in the Claim; and the said Town Clerk, if he shall have reasonable Cause to believe that any Person whose Name shall appear in such List of Claimants is not entitled to have his Name upon the Register then next to be made, shall add as aforesaid the Word "objected" before the Name of every such Person on the Margin of such List of Claimants; and the Town Clerk shall cause a sufficient Number of Copies of such Lists of Claimants, with all such marginal Additions as aforesaid, to be written or printed, and shall on or before the Second Day of *December* in the Year One thousand eight hundred and fifty, and on or before the Eleventh Day of *August* in every Year after One thousand eight hundred and fifty-one, sign and publish the same, and shall likewise keep Copies of such Lists of Claimants, with the marginal Additions as aforesaid, signed by him, to be perused by any Person, without Payment of any Fee, at any Time between the Hours of Ten of the Clock in the Forenoon and Four of the Clock in the Afternoon of any Day, except *Sunday*, during the first Fourteen Days after the same shall have been published, and shall deliver written or printed Copies thereof, signed by him, to all Persons applying for the same, on Payment of a Price for each Copy after the Rate contained in the Table (numbered 1.) in the said Schedule (C.) to this Act annexed.

Registered Voters and Claimants may inspect Rate Books.

XXXV. And be it enacted, That it shall be lawful for any Person whose Name shall be on any List of Voters for the Time being for any such City, Town, or Borough, or for any Person who shall have claimed to have his Name inserted in any such List, upon Request made by any such Person, at any Time between the Hours of Ten of the Clock in the Forenoon and Four of the Clock in the Afternoon of any Day, except *Sunday*, between the Fifteenth Day of *November* and the Twelfth Day of *December* in the Year One thousand eight hundred and fifty, and between the Twenty-seventh Day of *July* and the Twentieth Day of *August* in each Year after One

One thousand eight hundred and fifty-one, to any Collector of Poor Rate or other Officer having the Custody of any such Rate or Rate Book, to inspect the same, and make Extracts therefrom, for any Purpose relating to any Claim or Objection made or intended to be made by or against such Person; and every such Collector or other Officer as aforesaid is hereby required, upon such Request as aforesaid, to permit such Inspection and the making such Extracts, without Payment of any Fee.

Borough Registration.

XXXVI. And be it enacted, That every Person whose Name shall have been inserted in any List of Voters for any such City, Town, or Borough may object to any other Person as not having been entitled on the Ninth Day of *November* One thousand eight hundred and fifty (as regards the Register for the Year One thousand eight hundred and fifty-one), or on the Twentieth Day of *July* next preceding (as regards each Year after One thousand eight hundred and fifty-one), to have his Name inserted in any List of Voters or List of Claimants for the same City, Town, or Borough; and every Person so objecting (save and except Town Clerks objecting in the Manner herein-before mentioned) shall on or before the Twelfth Day of *December* in the Year One thousand eight hundred and fifty, and on or before the Twentieth Day of *August* in each Year after One thousand eight hundred and fifty-one, give or cause to be given a Notice according to the Form (numbered 14.) in the said Schedule (B.), or to the like Effect, to the Town Clerk of such City, Town, or Borough; and every Person so objecting shall also on or before the said Twelfth Day of *December* in the Year One thousand eight hundred and fifty, and on or before the Twentieth Day of *August* in each Year after One thousand eight hundred and fifty-one, give or cause to be left at the Place of Abode of the Person objected to, as stated in the said List, a Notice according to the Form (numbered 15.) in the said Schedule (B.); and every Notice of Objection shall be signed by the Person objecting.

Who may object.

Notice of Objection shall be given.

XXXVII. And be it enacted, That the said Town Clerk shall include the Names of all Persons so objected to in Lists according to the Forms (numbered 16, 17, and 18) in the said Schedule (B.), and shall sign the said Lists, and cause Copies thereof to be written or printed, and shall publish the said Lists of Persons objected to as aforesaid on or before the Fourteenth Day of *December* in the Year One thousand eight hundred and fifty, and on or before the Twenty-second Day of *August* in each Year after One thousand eight hundred and fifty-one, and shall keep Copies of the said Lists, and shall allow the same, and also the Notices of Objection

Lists of Persons objected to shall be made and published, and sold.

Borough Registration.

Objection which they shall have received, to be perused by any Person, without Payment of any Fee, at any Time between the Hours of Ten of the Clock in the Forenoon and Four of the Clock in the Afternoon of any Day, except *Sunday*, during the first Fourteen Days after such Lists shall have been so published, and shall deliver Copies of each of such Lists to any Person requiring the same, on Payment of a Price for each Copy after the Rate contained in the Table (numbered 1.) in the Schedule (C.) to this Act annexed.

Town Clerk shall deliver Copies of Lists to the Clerk of the Peace.

XXXVIII. And be it enacted, That the said Town Clerk shall, on or before the Seventeenth Day of *December* in the Year One thousand eight hundred and fifty, and on or before the Twenty-fifth Day of *August* in every Year after One thousand eight hundred and fifty-one, deliver to the Clerk of the Peace of or acting in or for such City, Town, or Borough Copies of the said Lists of Voters, made out by him as aforesaid, with the marginal Additions as aforesaid, and a Copy of the said List of Persons who shall have claimed as aforesaid, and a Copy of the said Lists of Persons objected to as aforesaid, respectively signed by him, together (in the Year One thousand eight hundred and fifty) with the said List of Voters registered under the said recited Act, and together (in every Year after One thousand eight hundred and fifty-one) with the Copy of the Register as aforesaid.

General Provisions as to Registration.

Mode of Publication.

XXXIX. And be it enacted, That every Notice, List, Register, or other Document herein required to be published shall be so published by being fixed in some public and conspicuous Situation, in the Case of Publication by the Clerk of the Peace, on the outer Wall near the Door of each Police Station, and on the usual Places for posting Notices or Applications for Grand Jury Presentments in the respective Barony, and in the Case of Publication by a Town Clerk, on the outer Door or outer Wall near the Door of the Town Hall, or if there be no Town Hall then in some public and conspicuous Situation within the respective City, Town, or Borough theretofore used for posting public Notices.

Term of Publication.

XL. And be it enacted, That in all Cases in which any Notice, List, Copy of Register, or other Document shall, pursuant to the Provisions aforesaid, be affixed on any such Place as aforesaid, the same shall continue so fixed for a Period including Two consecutive *Sundays* at the least next after the Day on or before which the same is herein-before required to be published; and in case the same shall be destroyed, mutilated, effaced, or removed before the Expiration of such Period, the Party herein-before required to publish the same as

aforesaid shall, as soon as conveniently may be, publish in like Manner in its Place another Notice, List, Copy of Register, or other Document to the like Purport and Effect with the Notice, List, Copy of Register, Paper, or other Document so destroyed, mutilated, effaced, or removed.

General Provisions as to Registration.

XLI. And be it enacted, That every Person who shall wilfully destroy, mutilate, efface, or remove any Notice, List, Copy of Register, or other Document so affixed as aforesaid, during the Period during which the same is herein-before required to remain so affixed, shall for every such Offence forfeit any Sum not exceeding Forty Shillings nor less than Ten Shillings to any Person who will sue for the same, to be recovered in a summary Manner before Two Justices of the Peace.

Penalty for hindering Publication.

XLII. And be it enacted, That no List shall be invalidated by reason that it shall not have been affixed in every Place and for the full Time herein-before required for Publication thereof, but that every such List which shall have been affixed in any Place and for any Part of the Time herein-before mentioned in that Behalf shall be revised and adjudicated upon as herein-after directed: Provided nevertheless, that nothing herein contained shall be construed to exempt the Clerk of the Peace, Town Clerk, or other Person charged with the Duty of publishing such List as aforesaid from the Penalties of his Neglect or wilful Default.

Lists not to be invalidated by imperfect Publication.

XLIII. And be it enacted, That in case no List of Voters shall have been made out for any Barony, City, Town, or Borough in any Year, or in case such Lists shall not have been affixed in any Place herein-before mentioned in that Behalf, the List of the registered Voters for the County in which such Barony is situate, or for the City, Town, or Borough, made out by the Clerk of the Peace on or before the First Day of *February* in the Year One thousand eight hundred and fifty, as required by the said first-recited Act, shall in the said Year, so far as respects such Barony, City, Town, or Borough, and in any Year after One thousand eight hundred and fifty-one, the Register of Voters for that Barony, City, Town, or Borough then in force, shall be taken to be the List of Voters for that Barony, City, Town, or Borough for the Year then next ensuing; and the Provisions herein contained respecting any such List of Voters shall be taken to apply to such List of registered Voters or Register as aforesaid.

If no List made out former List to be in force.

Abstracts of Lists to be transmitted to Assistant Barristers empowered to revise them.

XLIV. And be it enacted, That the Clerk of the Peace of every such County shall in the Year One thousand eight hundred and fifty, as soon as possible after the Seventeenth Day of *December*, and in every Year after One thousand eight hundred and fifty-one, as soon as possible after the Twenty-fifth Day of *August*, transmit to the Assistant Barrister of such County or any Riding thereof, or to the Chairman of the Sessions of the Peace in the Case of the County of *Dublin* an Abstract of the Lists of Claimants and of the Lists of Persons objected to by such Clerk of the Peace, and by the Clerk or Clerks of the Union or Unions, and by other Persons in each Barony in and for the same County; and the Clerk of the Peace of or acting in or for every such City, Town, or Borough shall, as soon as possible after the Seventeenth Day of *December* in the Year One thousand eight hundred and fifty, and as soon as possible after the Twenty-fifth Day of *August* in every Year after One thousand eight hundred and fifty-one transmit an Abstract of the said several Lists of Claimants, and the Lists of Persons objected to by the Town Clerk, and by the Clerk or Clerks of the Union or Unions, and by others, in the same City, Town, or Borough, to the Assistant Barrister, Chairman, or his Deputy having Jurisdiction under the said first-recited Act for the Registry of Voters for such City, Town, or Borough, in order that proper Times and Places for holding Courts for the Revision of such Lists respectively may be appointed.

Remuneration to Barristers.

XLV. And be it enacted, That every such Assistant Barrister or Chairman presiding at any such Court of Revision under this Act in the Year One thousand eight hundred and fifty-one, whether the same be held during the General or Quarter Sessions or not, shall be paid at the Rate of Five Guineas for every Day that he shall be employed in such Revision; and every such Barrister or Chairman, after the Termination of his last Session for such Purpose, shall lay or cause to be laid before the Lord Lieutenant or other Chief Governor or Governors of *Ireland* a Statement of the Number of Days during which he shall have been so employed, and such Lord Lieutenant or other Chief Governor or Governors shall, if he or they think fit, cause the said Statement to be examined by some competent Authority, and shall certify the same to the Commissioners of Her Majesty's Treasury, who shall thereupon direct Payment of the Sum due to such Barrister or Chairman out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland;* and the Deputy of the Chairman of the Sessions of the Peace of the County of *Dublin* having Jurisdiction under the said first-recited Act for the Registry of Voters for the City of *Dublin* shall receive, in respect of the Revision of Voters for the said City under this Act, such Remuneration

from Time to Time and in such Manner as by the said recited Act is provided for such Deputy in respect of the Registration of Voters for the said City under the said recited Act.

General Provisions as to Registration.

XLVI. And be it enacted, That the Assistant Barrister or the Chairman, as the Case may be, of every County or Riding, shall make a Circuit, and hold open Courts for such Revision at each of the Places which may be from Time to Time appointed as Polling Places for such County or Riding, and at any such other Places within the said County or Riding as the Lord Lieutenant or other Chief Governor or Governors of *Ireland* shall appoint, at convenient Times between the First Day of *January* inclusive and the Fourteenth Day of *February* inclusive in the Year One thousand eight hundred and fifty-one, and between the Eighth Day of *September* inclusive and the Twenty-fifth Day of *October* inclusive in every succeeding Year, and shall, Ten Days at the least before the holding of the first Court of Revision, give Notice to the Clerk of the Peace of the several Times and Places at which the said Courts will be holden, and of the several Baronies the Lists of and for which will be revised at each of the said Courts; and the said Clerk of the Peace shall forthwith cause public Notice thereof to be given by Advertisement in One or more of the Newspapers circulating within the said County, and shall cause a sufficient Number of Copies of the said Notice to be written or printed, and published and posted in each Barony, and shall deliver or send Copies thereof to the Clerk or Clerks of the Union or Unions in which the several Baronies or Parts thereof are situate, and require him or them to attend at the Court appointed for the Revision of the List of Voters relating to the said Barony or Baronies respectively.

Assistant Barristers of Counties to hold Courts for Purposes of Revision at the several Polling Places for such Counties, &c.

XLVII. And be it enacted, That such respective Assistant Barrister or Chairman, or his Deputy, as before the passing of this Act would have had Jurisdiction under the said recited Act for the Registry of Voters for any such City, Town, or Borough, shall hold an open Court for the Revision of the Lists of Voters within such City, Town, or Borough, between the First Day of *January* inclusive and the Fourteenth Day of *February* inclusive in the Year One thousand eight hundred and fifty-one, and between the Eighth Day of *September* inclusive and the Twenty-fifth Day of *October* inclusive in every succeeding Year, and shall, Ten Days at the least before holding such Court, give Notice to the Clerk of the Peace acting for such City, Town, or Borough of the Time and Place for holding the same; and the Clerk of the Peace shall forthwith publish such Notice in the Manner herein-before directed, and also in the Manner

Assistant Barristers now acting in Registration of Voters for Boroughs to hold Courts of Revision in such Boroughs.

General Provisions as to Registration.

Manner in which Notices of the holding of Sessions are usually published.

Officers who shall attend Courts of Revision in Counties.

XLVIII. And be it enacted, That the Clerk of the Peace of every such County, or his Deputy, shall from Day to Day attend each and every Court of Revision which shall be held in such County under this Act, and at the opening of the first Court of Revision to be so holden as aforesaid in and for the same County in each Year shall deliver or cause to be delivered to the Assistant Barrister holding such Court all the Lists of Voters for the then current Year, with the marginal Additions as aforesaid, and the Lists of Claimants, and of Persons objected to, in the said Year, and the original Notices of Claims and Notices of Objections given to him as aforesaid, and the Return or Returns of the Clerk or Clerks of the Unions for each Barony respectively of the said County, and shall also in the Year One thousand eight hundred and fifty-one attend with and produce all such original Affidavits or Affirmations as under the Laws now in force in *Ireland* he is required to keep or attend with and produce at any Registration Sessions, and the List of Voters registered under the said recited Act, and shall also in every succeeding Year deliver to such Assistant Barrister One or more printed Copies of the Register of Voters then in force for the said County; and the Clerks of the several Unions wholly or in part in each County shall attend with and produce at the Courts of Revision holden in such County for the several Districts wherein their respective Unions or any Part thereof may be situate all Books of Rates made for the Relief of the Poor in such Unions, or any Part or Electoral Division thereof respectively, within such County, between the Ninth Day of *November* One thousand eight hundred and forty-nine and the Ninth Day of *November* One thousand eight hundred and fifty (as regards the said Courts held in the Year One thousand eight hundred and fifty-one), and between the Twentieth Day of *July* in the then preceding Year and the Twentieth Day of *July* in the then current Year, (as regards the said Courts held in each Year after One thousand eight hundred and fifty-one), or (if there have been no such Rate made in any Electoral Division) the then last Rate as to the same; and the said Clerk of the Peace, and Clerks of Unions shall answer upon Oath all such Questions as such Assistant Barrister may put to them and produce all Documents, Papers, and Writings in their Possession, Custody, or Power touching any Matter herein mentioned; Provided always, that in case the Attendance of any Clerk of a Union, or the Production of any Rate or Rate Book of any Union, shall be required at different Courts at or about the same Time, it shall be lawful for the Clerk of such Union, by Writing under his Hand,

What Documents shall be produced.

Hand, to appoint a proper Person to be his Deputy for the Purpose of attending at any such Court, or producing such Rate or Rate Book, or a compared Copy thereof, or of Part thereof, which Deputy shall be subject to like Provisions as such Clerk of the Union; and for the Purposes of this Act a compared Copy of any such Rate or Rate Book, or of any Part thereof, shall be *primâ facie* Evidence; but when any Question shall arise at any Court held under this Act in relation to any such compared Copy it shall be lawful for the Assistant Barrister, if he shall think fit, to require the Production at any such Court, or at some Adjournment thereof, of the original Rate or Rate Book.

General Provisions as to Registration.

XLIX. And be it enacted, That the Clerk of the Peace of or acting in or for every such City, Town, or Borough, or his Deputy, and the Town Clerk for every such City, Town, or Borough, and the Clerk of the respective Union, or his Deputy, to be appointed as aforesaid, shall attend the Court of Revision to be holden for every such City, Town, or Borough; and such Clerk of the Peace shall in the Year One thousand eight hundred and fifty-one attend with and produce all such original Affidavits or Affirmations as under the Laws now in force in *Ireland* he is required to keep or attend with and produce at any Registration Sessions, and the List of Voters registered under the said recited Act, and shall in every succeeding Year deliver to the Assistant Barrister One or more printed Copies of the Register then in force for the said City, Town, or Borough; and such Town Clerk shall, at the opening of the said Court, deliver to the Assistant Barrister the several Lists so made by him, with the marginal Additions as aforesaid, and also the original Notices of Claim and Objection received by him as aforesaid, and the Clerk of the Union's List as aforesaid; and the said Clerk of the Peace, and Town Clerk, and Clerk of the Union, or such Deputy as aforesaid, respectively, shall answer upon Oath all such Questions as the Assistant Barrister may put to them or any of them, and produce all Documents, Papers, and Writings in their Possession, Custody, or Power touching any Matter necessary for revising the List of Voters.

Officers who shall attend Revision Courts in Boroughs.

What Documents shall be produced.

L. And be it enacted, That at each Court of Revision holden in or for any such County, City, Town, or Borough every Assistant Barrister shall have Power to require any Collector of Poor's Rates, or other Officer or Person having the Custody of any such Rate, or any such Collector for the past Year, to attend before him at any Court to be by him holden in pursuance of this Act, and they shall attend accordingly, and answer upon Oath all such Questions as may be put to them.

Collectors of Rates shall attend Revision Courts, if required.

General Provisions as to Registration.

Voters who reside out of Polling District may make claim to vote at the Polling Place of the District where they reside.

LI. And be it enacted, That any Person whose Name shall appear in the List of Voters of any Barony in and for any County, and whose Place of Abode, as stated in such List, shall not be within the Polling District at which the said Barony shall be allotted to poll, but within the same County, shall be at liberty to make his Claim before the Assistant Barrister to vote at the Polling Place of the District wherein his said Place of Abode may be situate; and any Person whose Name shall appear in any List as aforesaid, and whose Place of Abode, as stated in such List, shall not be within the same County, shall be at liberty in like Manner to make his Claim to vote at the Polling Place of any District within the same County; and every such Person shall make his Claim in Writing under his Hand; and such Claim shall be delivered to and verified before the Assistant Barrister holding his Court for the Revision of the List of Voters in which the Name of such Person shall appear as aforesaid, and it shall then be lawful for the said Barrister to insert in the said List, against the Name of such Person so claiming as aforesaid, the Name of the Polling Place at which such Person shall be registered to vote; and such Person so registered shall be admitted to vote at any contested Election for the said County at the said last-mentioned Polling Place, and not elsewhere, anything in this Act to the contrary notwithstanding.

Claimants, if omitted by Clerk of Peace from List of Claimants, may, on Proof of Notice and Qualification, be placed on List of Voters for Counties.

LII. And be it enacted, That if any Person who shall have given to the Clerk of the Peace due Notice of his Claim to have his Name inserted in the List of Persons entitled to vote in the Election of a Knight or Knights of the Shire shall have been omitted by such Clerk of the Peace from such List, it shall be lawful for the Assistant Barrister, upon the Revision of such List, to insert therein the Name of the Person so omitted, in case it shall be proved to the Satisfaction of such Assistant Barrister that such Person gave due Notice of such his Claim to the said Clerk of the Peace, and that he was entitled on the Ninth Day of *November* then next preceding (as regards the Register for the Year One thousand eight hundred and fifty-one), or on the Twentieth Day of *July* then next preceding (as regards each succeeding Year), to be inserted in the said List of Voters.

Like Provision as to Boroughs.

LIII. And be it enacted, That the Assistant Barrister holding any Court of Revision under this Act in any City, Town, or Borough shall insert in any List of Voters for such City, Town, or Borough the Name of every Person omitted who shall be proved to the Satisfaction of such Assistant Barrister to have given due Notice of his Claim to be inserted in such List, and to have been entitled on the Ninth Day of *November* then next preceding (as regards the Register for the Year One thousand eight hundred and fifty-one), or on the

Twentieth Day of *July* then next preceding (as regards each succeeding Year), to have his Name inserted therein in right of the Qualification described in such Notice of Claim.

General Provisions as to Registration.

LIV. And be it enacted, That it shall be lawful for any Person whose Name shall be on any List of Voters for any County, City, Town, or Borough, to oppose the Claim of any Person so omitted as aforesaid to have his Name inserted in any List of Voters for the same County, City, Town, or Borough; and such Person intending to oppose any such Claim shall, in the Court to be holden as aforesaid for the Revision of such List, and before the Hearing of the said Claim, give Notice in Writing to the Assistant Barrister of his Intention to oppose the said Claim, and shall thereupon be admitted to oppose the same, by Evidence or otherwise, without any previous or other Notice, and shall have the same Rights, Powers, and Liabilities as to Costs, Appeal, and other Matters relating to the Hearing and Determination of the said Claim, as any Person who shall have duly objected to the Name of any other being retained on any List of Voters, and who shall appear and prove the requisite Notices as herein-after mentioned.

Such Persons may be objected to.

LV. And be it enacted, That the Assistant Barrister presiding at any such Court of Revision shall correct any Mistake which shall be proved to him to have been made in any List, and shall expunge the Name of every Person whose Qualification as stated in any List shall be insufficient in Law to entitle such Person to vote, and also the Name of every Person who shall be proved to him to be dead, and provide that the Name of the same Person shall not appear Twice on the List of Voters or Register of any County, City, Town, or Borough; and wherever the Christian Name, or the Place of Abode, or the Nature of the Qualification, or the local or other Description of the Property of any Person who shall be included in any such List, or the Name of the occupying Tenant thereof, shall be wholly omitted in any Case where the same is by this Act directed to be specified therein, or if any Person whose Name is included in any such List, or his Place of Abode, or the Nature or Description of his Qualification, shall, in the Judgment of the Assistant Barrister, be insufficiently described for the Purpose of being identified, or if the Date of the Registry of any Person registered under the said recited Act shall be omitted in any Case where the same is by this Act directed to be specified, such Assistant Barrister shall expunge the Name of every such Person from such List, unless the Matter or Matters so omitted or insufficiently described be supplied to the Satisfaction of such Assistant Barrister before he shall have completed the Revision of such List, in which Case he shall then and there insert the same in such

Duties of Barristers in revising Lists.

General Provisions as to Registration.

such List: Provided always, that, whether any Person shall be objected to or not, no Evidence shall be given of any other Qualification than that which is described in the List of Voters, or Claim, as the Case may be, nor shall the Assistant Barrister be at liberty to change the Description of the Qualification as it appears in the List, except for the Purpose of more clearly and accurately defining the same; and where the Name of any Person inserted in any List of Voters shall have been objected to by the Clerk of the Peace, Clerk of the Union, or Town Clerk, or by any other Person, and such other Person so objecting shall appear, by himself or by some one in his Behalf, in support of such Objection, and shall prove that he gave the Notice or Notices respectively required by this Act to be given by him, every such Assistant Barrister shall then require it to be proved that the Person so objected to was entitled, on the Ninth Day of *November* then next preceding (as regards the Register for the Year One thousand eight hundred and fifty-one), or on the Twentieth Day of *July* then next preceding (as regards each succeeding Year), to have his Name inserted in the List of Voters in respect of the Qualification described in such List; and in case the same shall not be proved to the Satisfaction of such Assistant Barrister, or in case it shall be proved that such Person was then incapacitated by any Law or Statute from voting in the Election of Members to serve in Parliament, such Assistant Barrister shall expunge the Name of every such Person from the same List: Provided also, that every Person registered under the Provisions of the herein-before recited Act to amend the Representation of the People of *Ireland* within Eight Years previous to the Sixteenth Day of *March* One thousand eight hundred and fifty-one (as regards the Register for the Year One thousand eight hundred and fifty-one), or to the First Day of *December* in any subsequent current Year, shall be *primâ facie* entitled to have his Name inserted in such List (except Persons registered under the said Act in respect of any Qualification requiring an Elector for a County to be or to have been in the actual Occupation of the Premises, and except Persons registered under the said Act for any City, Town, or Borough in respect of the Occupation of Premises of a clear yearly Value of not less than Ten Pounds); and that when the Qualification of any such Person (except as aforesaid) shall be in respect of any Property in Lands, Tenements, or Hereditaments, the Sufficiency in Value of such Property shall not be questioned during the said Period, unless it be first shown that he hath ceased to hold or occupy, as the Case may require, some Part of the Property in right whereof he was so registered; nor shall the Sufficiency of his Estate therein be questioned during the said Period, unless it be first shown that the Nature of his Estate therein has altered since he was so registered; and that (except as aforesaid) a Certificate, or,

Persons now registered (save as excepted) shall be primâ facie entitled to be registered under this Act.

General Provisions as to Registration.

or, in default of its Production, an Affidavit of Registry granted or made under the said Act, shall, for the Purposes of the Register to be formed in the Year One thousand eight hundred and fifty-one be Evidence of such former Registration and of the Date thereof; and that (except as aforesaid) the Appearance of the Name of any Person, with the Date of his Registry annexed thereto, in the Copy of the Register in force in any succeeding Year, but within such Limit of Eight Years as aforesaid, shall be Evidence of the Registration of such Person under the said recited Act, and of the Date of such former Registration, subject nevertheless to the Provisions herein-before contained as to the Payment of Poor Rate, if any, by Persons claiming a Qualification in respect of the Inhabitancy of Houses, and to the Provisions of the said recited Act and this Act as to Residence by Freemen and Forty Shilling Freeholders: Provided also, that when and as the said Period of Eight Years shall have elapsed in each Case, or when the same will elapse previous to the aforesaid Sixteenth Day of *March* One thousand eight hundred and fifty-one, or previous to the First Day of *December* then next in any Year the Assistant Barrister shall expunge the Date of Registry annexed in the List to the Name of the Person whose Registry under the Provisions of the said Act shall have so expired or will so expire: Provided also, that the List or Return transmitted by the Clerk of the respective Union as aforesaid to the respective Clerk of the Peace, or to the Town Clerk, shall respectively be *primâ facie* Evidence that every Person included therein was a rated Occupier of such Lands, Tenements, or Hereditaments, and of such net annual Value as therein mentioned, on the Ninth Day of *November* One thousand eight hundred and fifty (as regards the Register for the Year One thousand eight hundred and fifty-one), or on the Twentieth Day of *July* in the then current Year (as regards each succeeding Year), and that all Poor Rates payable by such Person to entitle him to be placed on such List have been paid: Provided also, that the Appearance of the Name of any Elector (other than those entitled to register for any County, City, Town, or Borough in respect of Occupation as rated Occupiers of Lands, Tenements, or Hereditaments of the Value respectively of Twelve Pounds or upwards, or of Eight Pounds or upwards,) on the List of registered Voters or the Copy of the Register in each Year shall be deemed to be *primâ facie* Evidence of his Right to have his Name inserted in the Register for the Year then next ensuing: Provided also, that where any Person whose Name appears on any List of Voters for any County, City, Town, or Borough shall be objected to on the Ground of having changed his Place of Abode without having sent in a fresh Notice of Claim, it shall be lawful for the Assistant Barrister on revising the List to retain the Name of such

General Provisions as to Registration.

Person on the List of Voters, if such Person, or some one in his Behalf, shall prove that he possessed on the said Ninth Day of *November* (as regards the Register for the Year One thousand eight hundred and fifty-one), or on the Twentieth Day of *July* (as regards each succeeding Year), the same Qualification in respect of which his Name has been inserted in such List, and shall also supply his true Place of Abode, which such Assistant Barrister shall insert in such List.

Powers of Barristers to adjourn Courts, administer Oaths, &c.

LVI. And be it enacted, That every Assistant Barrister holding any Court under this Act shall have Power to adjourn the same from Time to Time, and from any one Polling Place to any other Polling Place, or other Place appointed as aforesaid within the same County, or within the same City, Town, or Borough, but so that no such adjourned Court shall be holden after the Fourteenth Day of *February* in the Year One thousand eight hundred and fifty-one (as regards the Register for that Year), or after the Twenty-fifth Day of *October* in any succeeding Year; and at every Court to be holden as aforesaid by any Assistant Barrister the said Barrister shall have Power to summon as Witnesses any Persons whose Evidence may appear to be material, and to administer an Oath to all Persons examined before him; and all Parties, whether claiming or objecting or objected to, and all Persons whatsoever, may be examined upon Oath touching the Matters in question; and every Person taking any Oath or Affirmation under this Act who shall wilfully swear or affirm falsely shall be deemed guilty of Perjury; and at the holding of such respective Courts no Party or other Person shall appear or be attended or heard by Counsel; and every such Barrister shall, upon the Hearing in open Court, finally determine upon the Validity of such Claims and Objections, and shall for that Purpose have the same Powers and proceed in the same Manner (except where otherwise directed by this Act) as any Assistant Barrister under the Provisions of the said recited Act to amend the Representation of the People of *Ireland* previous to the Commencement of this Act; provided nevertheless, that it shall not be necessary for any Claimant to verify his Title by Affidavit, as by the said Act required, after the Adjudication upon his Claim shall have been made; and such Assistant Barrister shall, in open Court, write his Initials against the Names and Dates of Registry respectively expunged or inserted, and against any Part of the said Lists in which any Mistake shall have been corrected or any Omission supplied or any Insertion made by him, and shall sign his Name to every Page of the several Lists so settled.

Court of Revision under this

LVII. And be it enacted, That every Court of Revision for the Purpose of making out or revising the Register of Voters under

under this Act shall be deemed to be a Court of Record; and that it shall be lawful for every Assistant Barrister before whom such Court shall be held, from Time to Time as there shall be Occasion, to fine the Clerk of the Peace or his Deputy, or the Under Sheriff of the County, County of the City, or County of the Town, for which such Court shall be held, who shall be guilty of any Breach of Duty in execution of this Act, any Sum not exceeding Five Pounds, and at his Discretion to fine in any Sum not exceeding Two Pounds, or to commit to Prison for any Time not exceeding One Fortnight, any Person who shall disturb the said Court, or shall be guilty of any other Contempt of the said Court.

Act a Court of Record.

Power of Assistant Barrister to fine Officers, &c.

LVIII. And be it enacted, That it shall be lawful for any Person who under the Provisions herein-before contained shall have made any Claim to have his Name inserted in any List, or made any Objection to any other Person as not entitled to have his Name inserted in any List, or whose Name shall have been expunged from any List, and who in any such Case shall be aggrieved by or dissatisfied with any Decision of any Assistant Barrister on any Point of Law material to the Result of such Case, either himself or by some Person on his Behalf, to give to the Assistant Barrister in Court, before the rising of the said Court, on the same Day on which such Decision shall have been pronounced, a Notice in Writing that he is desirous to appeal, and in such Notice shall shortly state the Decision against which he desires to appeal; and the said Assistant Barrister thereupon, if he thinks it reasonable and proper that such Appeal should be entertained, shall state in Writing the Facts which, according to his Judgment, shall have been established by the Evidence in the Case, and which shall be material to the Matter in question, and shall also state in Writing his Decision upon the whole Case, and also his Decision upon the Point of Law in question appealed against; and such Statement shall be made as nearly as conveniently may be in like Manner as is now usual in Orders of Refusal to register any Claimant under the herein-before recited Act to amend the Representation of the People of *Ireland*, on any Ground other than Insufficiency of Value; and the said Assistant Barrister shall read the said Statement to the Appellant in open Court, and shall then and there sign the same; and the said Appellant, or some one on his Behalf, shall at the End of the said Statement make a Declaration in Writing under his Hand to the following Effect; (that is to say,) "I appeal from this Decision;" and the said Assistant Barrister shall then indorse upon every such Statement the Name of the County and Barony, or City, Town, or Borough, to which the same shall relate, and also the Christian Name and Surname and Place of Abode of the Appellant and of the Respondent in the said Appeal,

General Provisions as to Registration and Appeal.

Appeal from Barrister's Decision on Points of Law.

General Provisions as to Registration and Appeal.

Appeal, and shall sign and date such Indorsement; and the said Assistant Barrister shall deliver such Statement, with such Indorsement thereon, to the said Appellant, to be by him transmitted to the Court of Exchequer Chamber at *Dublin* in the Manner herein-after mentioned; and the said Assistant Barrister shall also deliver a Copy of such Statement, with the said Indorsement thereon, to the Respondent in such Appeal, who shall require the same.

Who shall be Respondents in Appeal.

LIX. And be it enacted, That in the Matter of every such Appeal the Party in whose Favour the Decision appealed against shall have been given shall be the Respondent; but if there be no such Party, or if such Party, or some one on his Behalf, shall in open Court decline, and state in Writing that he declines, to support the Decision appealed against as Respondent, then and in every such Case it shall be lawful for the said Assistant Barrister to name any Person who may be interested in the Matter of the said Appeal, and who may consent, or the Clerk of the Peace of any County, or the Town Clerk of any City, Town, or Borough, to be, and such Person so consenting, or such Clerk of the Peace or Town Clerk respectively so named, shall be deemed to be the Respondent in such Appeal.

Power to consolidate Appeals.

LX. And be it enacted, That if it shall appear to any Assistant Barrister that the Validity of any Number of such Claims or Objections determined by him at any Court as aforesaid depends, and has been decided by him, upon the same Point or Points of Law, and the Parties, or any of them, aggrieved by or dissatisfied with his Decision thereon, shall have given Notice of an Intention to appeal therefrom, it shall in such Case be lawful for the said Barrister to declare that the Appeals against such Decision ought to be consolidated, and the said Barrister shall in such Case state in Writing the Case, and his Decision thereon, in manner herein-before mentioned, and that several Appeals depend upon the same Decision, and ought to be consolidated, and shall read such Statement, and sign the same, as herein-before mentioned; and thereupon it shall be lawful for the said Barrister to name any Person interested and consenting, for and on behalf of himself and all other Persons in like Manner interested in such Appeals, to be the Appellant or Respondent respectively in such consolidated Appeals, and to prosecute or answer the said Appeal in like Manner as any Appellant or Respondent might in his own Case, under the Provisions of this Act; and the Person so named Appellant in such consolidated Appeal, or some one on his Behalf, shall at the End of the said Statement make and sign a Declaration in the Form or to the Effect following; (that is to say,)

I, for

General Provisions as to Registration and Appeal.

'I, for myself and on behalf of all the other Persons who are interested as Appellants in this Matter, and whose Names are hereunder written, do appeal against this Decision, and agree to prosecute this Appeal.'

And the Person so named Respondent in such consolidated Appeal, or some one on his Behalf, shall in like Manner make and sign a Declaration in Writing in the Form or to the Effect following; (that is to say,)

'I, for myself and on behalf of all the other Persons interested as Respondents in this Matter, and whose Names are hereunder written, do agree to appear and answer this Appeal.'

And the Name, and, where necessary, the Particulars of the Qualification of every Party intended to be joined in such consolidated Appeal, shall be written under the aforesaid Declaration of the Appellant or Respondent respectively to which they may respectively refer: Provided always, that it shall be lawful for the said Barrister, if necessary, in any Case, to name the Clerk of the Peace of any County, or the Town Clerk of any City, Town, or Borough, to be, and he so named shall be, the Respondent in such consolidated Appeal, without any such Declaration being made or signed by him as herein-before mentioned.

Proceedings on consolidated Appeals.

LXI. And be it enacted, That in and with regard to every such consolidated Appeal the like Proceeding shall be had and taken, and the like Rules and Regulations shall apply, as in the Case of any other Appeal under this Act; and that every Order, Judgment, or Decision of the said Court of Exchequer Chamber shall be equally valid and effectual for all the Purposes of this Act, and binding and conclusive upon all the Parties named in or referred to as Parties to such consolidated Appeal as aforesaid; and that if in any Case all or any of the Parties to such consolidated Appeal shall make or enter into any Agreement as to the Mode of contributing among themselves to the Costs and Expenses of such Appeal, the said Agreement may, upon the Application of any Party or Parties thereto, be made a Rule of any of Her Majesty's Superior Courts of Law at *Dublin*, if such Court shall think fit: Provided always, that if any such consolidated Appeal shall not be duly prosecuted or answered it shall be lawful for the Court of Exchequer Chamber, or any of such Superior Courts of Law, to give to any Party or Parties interested in such Appeal, upon his or their Application, the Conduct and Direction of the said Appeal, or of the Answer thereto respectively, as the Case may require, instead of or in addition to any Person named as aforesaid as Appellant or Respondent, and in such Manner and upon

General Provisions as to Registration and Appeal.

such Terms as such Court may think fit and order, or to make such other Order in the Case as may seem meet: Provided also, that if after the said Assistant Barrister shall as aforesaid have declared that the Appeal in any Case ought to be with others consolidated, any Party interested in such Appeal shall object and refuse to be a Party to or to be bound by any such consolidated Appeal, then and in such Case the Appeal in which such Person is interested may proceed separately, but such Person so refusing or objecting shall be liable to pay Costs to the other Party, but shall not be entitled to receive any Costs of or in such Appeal, unless the said Court of Exchequer Chamber otherwise order.

Barrister may award Costs to or against Claimants or Objectors.

LXII. And be it enacted, That if in any Case it shall appear to any Assistant Barrister holding any Court as aforesaid that any Person shall under this Act have made or attempted to sustain any groundless or frivolous and vexatious Claim or Objection or Title to have any Name inserted or retained in any List of Voters, it shall be lawful for the said Barrister, in his Discretion, to make such Order as he shall think fit for the Payment by such Person of the Costs, or of any Part of the Costs, of any Person or Persons in resisting such Claim or Objection or Title; and in every such Case the said Barrister shall make an Order in Writing, specifying the Sum which he shall order to be paid for such Costs, and by and to whom, and when and where, the same Sum shall be paid, and shall date and sign the said Order, and deliver it to the Person or Persons to whom the said Sum shall therein be ordered to be paid: Provided always, that the said Sum so ordered to be paid by way of Costs shall not in any Case exceed the Sum of Twenty Shillings: Provided also, that such Order for the Payment of Costs as aforesaid may be made in any Case notwithstanding any Party shall have given Notice of his Intention to appeal against any Decision of the Assistant Barrister in the same Case; but in case of such Appeal the said Order for the Payment of Costs shall be suspended, and shall abide the Event of such Appeal, unless the Court of Appeal shall otherwise direct; but no Appeal shall be allowed or entertained against or only in respect of any such Order for the Payment of Costs: Provided also, that whenever any Assistant Barrister shall have made any such Order for the Payment of any Sum of Money for Costs by any Person who shall have made any Objection as aforesaid, it shall not be lawful for the said Barrister to hear or admit Proof of any other Objection or Notice of Objection made or signed by the same Person, until the Sum of Money so ordered to be paid by him for Costs be paid to the Person entitled to receive the same, or deposited in the Hands of the said Barrister in Court, for the Use of the Person so entitled.

LXIII. And

General Provisions as to Registration and Appeal.

Revised Lists of Voters to be transmitted to the Clerk of Peace in Counties, who shall cause them to be printed in a Book, which shall be delivered to the Sheriff.

LXIII. And be it enacted, That the said Lists of Voters for each County, signed as aforesaid, shall be forthwith transmitted by the Assistant Barrister to the Clerk of the Peace of the same County; and the Clerk of the Peace shall keep the said Lists among the Records of the Sessions, and shall forthwith cause the said Lists to be printed in a Book or Books, arranged with the Names in each Barony in strict alphabetical Order, according to the First, Second, and other Letters of the Surnames, and with every Polling District in alphabetical Order, and with every Barony within such Polling District likewise in the same Order, and shall, after the last List for each Polling District, insert a List in like alphabetical Order of all Persons whose Names shall not appear in any of the said Lists for such Polling District, but who shall in manner herein-before mentioned have been registered by the Assistant Barrister to vote at the Polling Place of such last-mentioned District, and shall in the said Book prefix to every Name its proper Number, beginning the Numbers from the first Name in each Barony, and continuing them in a regular Series down to the last Name in such Barony; provided always, that a Number as aforesaid shall be prefixed to the Name of every Person in every such List inserted after the last List for any Polling District as aforesaid; and no Number, but an Asterisk only, shall be prefixed to the Name of the same Person in the List of the Barony in which the Name originally appeared; and every such Book shall be printed and arranged in such Manner and Form that the List of Voters of and for each and every separate Barony contained therein may be conveniently and completely cut out or detached from all the other Lists of Voters contained in the same Book, so that all the Lists for every or any Polling Place, or the List of every or any single Barony, may be ready for the Purposes of this Act, or for Sale; and the said Clerk of the Peace shall, as regards the first Register formed under this Act, sign and deliver the said Book or Books on or before the Fifteenth Day of *March* in the Year One thousand eight hundred and fifty-one, and, as regards every subsequent Register formed under this Act, shall sign and deliver the said Book or Books on or before the last Day of *November* in the then current Year, to the Sheriff of the County, to be by him and his Successors in the Office of Sheriff safely kept for the Purposes herein-after mentioned.

Revised Lists for Boroughs shall be delivered to the Clerk of the Peace acting for such Borough, who shall cause them

LXIV. And be it enacted, That the List of Voters for each City, Town, or Borough, signed as aforesaid, shall be forthwith delivered by the Assistant Barrister to the Clerk of the Peace of or acting in or for the same City, Town, or Borough, and the said Clerk of the Peace shall forthwith cause the said Lists to be printed in a Book or Books; and in the said Book or Books the said Lists shall be arranged

to be printed in a Book, and deliver the same to the Returning Officer.

arranged and every Name numbered according to the Directions aforesaid with regard to the County Lists, so far as the same are applicable, save that in the Case of any of the Cities, Towns, and Boroughs mentioned in the Schedule (B.) annexed to an Act of the present Session of Parliament, intituled *An Act to shorten the Duration of Elections in* Ireland, *and for establishing additional Places for taking the Poll thereat*, the said Lists shall be arranged and divided according to Wards and otherwise, and the Names numbered in such Manner as is or shall be directed by such last-mentioned Act; and the said Clerk of the Peace shall, as regards the first Register formed under this Act, sign and deliver the said Book on or before the Fifteenth Day of *March* in the Year One thousand eight hundred and fifty-one, and, as regards every subsequent Register, shall sign and deliver the said Book or Books on or before the last Day of *November* in the current Year, to the Returning Officer of the same City, Town, or Borough, to be by him and his Successors, as Returning Officer, safely kept for the Purposes herein-after mentioned.

Books so prepared shall constitute the Register for One Year.

LXV. And be it enacted, That the said printed Book or Books, so signed as aforesaid by the Clerk of the Peace, and given into the Custody of the Sheriff of any County, or the Returning Officer of any City, Town, or Borough, as the Case may be, shall, as regards the first Register to be formed under this Act, be the Register of Persons entitled to vote at any Election of a Member or Members to serve in Parliament which shall take place in and for the same County, City, Town, or Borough respectively between the Fifteenth Day of *March* in the Year One thousand eight hundred and fifty-one and the First Day of *December* in the Year One thousand eight hundred and fifty-two, and (as regards every subsequent Register to be formed under this Act) shall be the Register of Persons entitled to vote at any such Election which shall take place in and for the same County, City, Town, or Borough respectively between the last Day of *November* in the Year wherein such Register shall have been made and the First Day of *December* in the succeeding Year; and the Clerk of the Peace of every County shall keep printed Copies of the said Register for such County, and shall deliver such Copies of such Register, or any Part thereof, to any Person applying for the same, upon Payment of a Price after the Rate contained in the Table (numbered 2.) in the Schedule (C.) to this Act annexed; and the Clerk of the Peace of or acting in or for every City, Town, or Borough respectively shall keep printed Copies of the said Register for such City, Town, or Borough, and shall from Time to Time supply a sufficient Number of Copies of such Register to the Town Clerk

Printed Copies of Register to be kept for Sale.

Clerk of such City, Town, or Borough, who shall deliver such Copies of such Register, or any Part thereof, to any Person applying for the same, upon Payment of a Price after the Rate contained in the Table (numbered 2.) in the said Schedule (C.), and account for and pay over to the said Clerk of the Peace all Monies by him received for or on account of the Sale of any Copies of the Register as aforesaid: Provided always, that no Person shall be entitled to a Copy of any Part of any Register relating to any Barony without taking or paying for the whole that relates to such Barony.

General Provisions as to Registration and Appeal.

LXVI. And be it enacted, That any Collector of Poor Rates, or Clerk of a Union, or other Officer or Person having the Custody of any such Rate or Rate Book as herein-before mentioned for the then current or any past Year, who shall wilfully refuse or neglect, when duly required by Summons under the Hand of any Assistant Barrister, to attend before such Barrister at any Court to be holden as aforesaid, according to the Exigency of such Summons, shall, upon Proof before him of the Service of such Summons, be liable to pay, by way of Fine, for every such Offence, a Sum of Money not exceeding Five Pounds nor less than Twenty Shillings, to be imposed by and at the Discretion of the said Barrister holding any such Court as aforesaid.

Officers may be fined by Barrister for Nonattendance.

LXVII. And be it enacted, That any Clerk of any Union who shall wilfully refuse or neglect to make out or verify as hereby required, or to transmit, any List, Copy of the Register, or Return which he is by this Act required to make out, verify, and transmit, or who shall wilfully and without reasonable Cause omit the Name of any Person entitled to be inserted in such List, Copy of the Register, or Return, or who shall wilfully or without reasonable Cause insert in such List, Copy of the Register, or Return the Name of any Person not entitled to be inserted in such List, Copy of the Register, or Return, or who shall wilfully refuse or neglect, by himself or his Deputy, to attend with and produce, at any Court for revising the List of Voters which he is hereby required to attend, the Rate or Rate Books or compared Copies which he is hereby required to produce thereat, or any Clerk of the Peace of a County, or any Town Clerk of any City, Town, or Borough, or other Officer required by this Act to act in default of there being any Town Clerk, who shall wilfully refuse or neglect to make out any List required to be made out by him under the Provisions of this Act, or who in making out the Lists of Voters shall wilfully and without reasonable Cause omit the Name of any Person duly qualified or entitled to be inserted in any such List, or who shall wilfully and without reasonable Cause insert in any such List the Name of any Person not duly qualified

Clerks of Unions, Clerks of Peace, and Town Clerks may be fined for Neglect of Duty.

 or

General Provisions as to Registration and Appeal.

or entitled to be inserted therein, or any Clerk of the Peace or Town Clerk or other such Officer as aforesaid who shall wilfully refuse or neglect to publish any Notice or List or Copy of the List of the Voters, or of the Part of the Register of Voters relating to his County, or to his City, Town, or Borough, at the Time and in the Manner required by this Act, or who shall wilfully refuse or neglect to attend the Court for revising any List of Voters of his County, or of his City, Town, or Borough, or to attend any Assistant Barrister, when required by any Summons as aforesaid, or any Town Clerk who shall wilfully refuse or neglect to deliver to the Clerk of the Peace the Copy of the List of Claimants, or of Persons objected to, or the Copies of the List of Voters or Register, as required by this Act, or any Clerk of the Peace who shall wilfully refuse or neglect to deliver to the Barrister holding any such Court the several Lists to be delivered by him as aforesaid, or any Clerk of the Peace or Town Clerk or Clerk of a Union who shall be wilfully guilty of any other Breach of Duty under or in the Execution of this Act, shall for every such Offence be liable to pay by way of Fine a Sum of Money not exceeding Five Pounds nor less than Twenty Shillings, to be imposed by and at the Discretion of the Assistant Barrister holding any Court for the Revision of any List of the Barony or Division of a Barony, or the City, Town, or Borough, for which such Officer is required to act as aforesaid: Provided always, that nothing herein contained as to any Fine as aforesaid shall affect or abridge any Right of Action against any Clerk of the Peace, Clerk of a Union, Town Clerk, or other Person liable to any Fine as aforesaid, or any Liability, civil or criminal, which such Clerk of the Peace, Clerk of a Union, Town Clerk, or other Person may incur under or by virtue of this Act.

Fines, to whom payable.

LXVIII. And be it enacted, That any such Assistant Barrister, when and so often as he shall impose any such Fine as aforesaid, shall at the same Time in open Court, by an Order in Writing under his Hand stating the Sum payable for such Fine, direct by and to whom and when the same shall be paid, and the Person to whom the said Sum shall be so ordered to be paid shall receive the same; and in every Case where the Offence for which such Fine shall have been so imposed shall relate to the Formation of the Register of Voters for any County, he shall pay over the Sum so received by him to the Clerk of the Peace of the same County; and in every Case where such Offence shall relate to the Formation of the Register of Voters for any City, Town, or Borough, he shall pay over the Sum so received by him to the Clerk of the Peace acting in or for the same City, Town, or Borough.

LXIX. And

General Provisions as to Registration and Appeal.

Application of Monies arising from Sale of Register and Forms.

LXIX. And be it enacted, That the Clerk of the Peace of every such County, and the Clerk of the Peace of or acting in or for every such City, Town, or Borough respectively, shall keep an Account of all Monies to be received by him or them for or on account of the Sale of any Copies of the Register as aforesaid, or for or by way of Fine imposed as aforesaid; and the Clerk of the Peace of every such County, County of a City, or County of a Town shall pay over or account for all such Monies received by him to the Treasurer of the same County, County of a City, or County of a Town, to be applied in aid of any Grand Jury Presentment made under the Authority of this Act; and the Clerk of the Peace of or acting in or for every such Borough situate in a County at large shall pay over or account for all such Monies so received by him to the Treasurer of such County, to be applied as aforesaid, and, in the Case of a Borough situate in Two or more Counties, to and among the Treasurers of such Counties, to be applied by them in aid of any Grand Jury Presentments to be made on such Counties respectively under this Act; and the Share of each such County shall be calculated as nearly as may be according to the same relative Proportion as the Number of Persons in each County placed on the Register for such Borough shall bear to the total Number of Persons upon the same Register.

Expenses of the Clerks of Peace, how to be defrayed in Counties and Boroughs wholly situate in One County at large.

LXX. And be it enacted, That an Account of all Expenses incurred by any Clerk of the Peace of or acting for any County, County of a City, or County of a Town, or by any Clerk of the Peace of or acting in or for any Borough situate in a County at large, in carrying into effect the Provisions of this Act, including the Expenses of providing and printing the Copies of the Register and the Lists and Forms required under this Act, shall be laid before the next Presentment Sessions of the County at large or County of a City or County of a Town after such Expenses shall have been incurred (save in the Case of the City of *Dublin*, where it shall be laid before the Council of the said Borough); and it shall be lawful for the Grand Jury of such County, County of a City, or County of a Town at the next Assizes or Presenting Term, and (in the Case of the City of *Dublin*) for the Council of the Borough of *Dublin*, and they respectively are hereby required to present, to be levied off such County, County of a City, or County of a Town, such Expenses, or so much thereof as such Presentment Sessions, or Grand Jury, or Council, as the Case may be, shall allow for the Clerk of the Peace, to be paid to him, and so much of the said Expenses of providing and printing such Copies of the Register and Lists and Forms as aforesaid, to be paid to the Person or Persons who shall have contracted for supplying and printing such Copies of the Register and Lists and Forms as aforesaid.

LXXI. And

General Provisions as to Registration and Appeal.

Such Expenses, how to be apportioned and defrayed in Boroughs situate in Two or more Counties.

9 G. 4. c. 82.

LXXI. And be it enacted, That an Account of all the Expenses incurred by any Clerk of the Peace acting in or for any Borough situate in Two or more Counties, in carrying into effect the Provisions of this Act, including the Expenses of providing and printing such Copies of the Register and such Lists and Forms as aforesaid in respect of such Borough, shall, as soon as may be after the said Expenses have been so incurred, be laid before the Town Council of such Borough, or, if there be no Town Council, before the Commissioners elected in such Borough under an Act passed in the Ninth Year of King *George* the Fourth, intituled *An Act to make Provision for the lighting, cleansing, and watching of Cities, Towns Corporate, and Market Towns in* Ireland, *in certain Cases*, or before the Municipal Commissioners of such Borough, or if there be no such Council or Commissioners in any Borough, then before the Justices of the Peace at the Quarter Sessions to be holden in and for the County to which the Clerk of the Peace acting in or for such Borough may belong; and the said Council or Commissioners or the said Justices respectively shall, when they allow the said Accounts, make and give to the said Clerk of the Peace a Certificate of the total Sum allowed by such Council, Commissioners, or Justices in respect of all the said Expenses, and also a Certificate of the Sum to be paid by and as the Contribution of each of the said Counties towards defraying the same; and the Sum to be contributed by every such County shall be calculated, as nearly as may be, according to the same relative Proportion as the Number of Persons in each County placed on the Register for such Borough shall bear to the total Number of Persons upon the same Register; and thereupon it shall be lawful for the Grand Jury of every such County and they are hereby required, upon the Production of such Certificate, and after a previous Application to the Presentment Sessions of the County at large, at the next or any succeeding Assizes for such County to present to be levied off such County the Sum in such Certificate mentioned to be paid by and as the Contribution of such County to the said Expenses.

Expenses of Town Clerks to be settled by Barrister, and defrayed by Grand Jury Presentment.

LXXII. And be it enacted, That an Account of all Expenses incurred by the Town Clerk of or acting in or for any City, Town, or Borough, in carrying into effect the Provisions of this Act, shall be laid before the Assistant Barrister at the Court at which the List of Voters for such City, Town, or Borough shall be revised; and the said Barrister shall sign and give to such Town Clerk a Certificate of the Sum which he shall allow to be due to him in respect of such Expenses, and also of such Sum as he shall deem it reasonable to allow to him for his Trouble in carrying into effect the Provisions of this Act, and in case of any Borough situate in Two or more Counties shall also give to the said Town Clerk acting in or for such Borough a Certi-

General Provisions as to Registration and Appeal.

a Certificate of the Sum to be paid by and as the Contribution of each of the said Counties towards defraying the Sums so allowed; and the Sum to be contributed by every such County shall be calculated, as nearly as may be, according to the same relative Proportion as the Number of Persons in each County placed on the Register of such Borough shall bear to the total Number of Persons upon the same Register; and such Account and Certificate shall be laid before the Presentment Sessions of the County, County of a City, or County of a Town, or of the County in which any Borough in a County at large is situate, next after such Expenses shall have been incurred (save in the Case of the City of *Dublin*, where they shall be laid before the Council of the said Borough); and thereupon it shall be lawful for the Grand Jury of any such County, County of a City, or County of a Town, at the next Assizes or Presenting Term, and (in the Case of the City of *Dublin*) for the Council of the Borough of *Dublin*, and they are hereby respectively required, to present to be raised off such County, County of a City, or County of a Town the total Sum in such Certificate mentioned, or the Sum in such Certificate mentioned as the Contribution of any such County towards the said total Sum, as the Case may be, or so much thereof as such Presentment Sessions or Grand Jury or Council, as the Case may be, shall allow, to be paid to the said Town Clerk.

Guardians of Unions to allow annual Remuneration to Clerks of Unions for Duties under this Act.

LXXIII. And be it enacted, That the Guardians of the Poor of each Union shall by an Order make such annual Allowance out of the Rates to the Clerks of the Union as a Compensation for the Duty hereby imposed upon them as the said Guardians shall think proper; but no such Order shall be acted on, or any Payment made thereunder, until the same shall be approved of by the Poor Law Commissioners, and the Payment sanctioned by them.

Appeals to be heard by Court of Exchequer Chamber, consisting of Three or more Judges.

LXXIV. And be it enacted, That all Appeals or Matters of Appeal from or in respect of any Decision of any Assistant Barrister entertained in manner herein-before mentioned shall be prosecuted, heard, and determined in and by the Court of Exchequer Chamber at *Dublin* in such Manner and Form and subject to such Rules and Regulations as the said Court shall from Time to Time by any Rule or Order made for regulating the Practice and Proceedings in such Appeals order and direct: Provided always, that at any Sitting of the said Court of Exchequer Chamber the Chief Justices, Chief Baron, and other Justices and Barons of Her Majesty's Superior Courts of Common Law at *Dublin*, or any Three or more of them, shall for the Purposes of this Act have all such Jurisdiction, Power, and Authority as by this Act given to the said Court of Exchequer Chamber, anything in an Act passed in the Parliament of *Ireland* in

 the

General Provisions as to Registration and Appeal.

40 G. 3. (I.)

the Fortieth Year of the Reign of King *George* the Third, intituled *An Act for the more speedy Correction of erroneous Judgments given in the Courts of Law in the Kingdom*, or in any other Act or Acts contained, to the contrary notwithstanding.

Notice of Prosecution of Appeal to be given.

LXXV. And be it enacted, That every Appellant who shall intend to prosecute his Appeal shall, within the first Four Days in the *Easter* Term in the Year One thousand eight hundred and fifty-one, (as regards the Register for that Year), and within the first Four Days in the *Michaelmas* Term next after the Decision to which such Appeal shall relate (as regards any subsequent Year), transmit to the Clerk of the Errors in the said Court the Statement in Writing so signed by the said Assistant Barrister as aforesaid, and shall also therewith give or send a Notice, signed by him, stating therein his Intention to prosecute the said Appeal; and the said Appellant shall also give or send a Notice, signed by him, to the Respondent in the said Appeal, stating his said Intention duly to prosecute such Appeal; and such Clerk of the Errors shall forthwith enter every Appeal of which he shall have received due Notice from the Appellant as aforesaid in a Book to be kept by him for that Purpose.

Sittings of the Court of Exchequer Chamber for Purposes of this Act, how to be fixed.

LXXVI. And be it enacted, That the Chief Justice of the Court of Queen's Bench in *Ireland* for the Time being, or in case of his Sickness or Absence from *Ireland*, or the Vacancy of the said Office, the Chief Justice of the Court of Common Pleas in *Ireland* for the Time being, or in case of his Sickness or Absence from *Ireland*, or of the Vacancy of the said Office, the Chief Baron of the Court of Exchequer in *Ireland* for the Time being, shall, as soon as may be after the Fourth Day of the said *Easter* Term One thousand eight hundred and fifty-one, and also of every *Michaelmas* Term in every Year after One thousand eight hundred and fifty-one, make Arrangements for hearing the Appeals entered as aforesaid, and shall appoint such certain Day or Days, either in Term Time or in Time of Vacation, as he may think fit and necessary, but as early as conveniently may be, for the Purpose of hearing and deciding such Appeals; and such respective Chief Justice or Chief Baron, as the Case may be, shall cause public Notice to be given of the Time so appointed by him for that Purpose, and of the Order in which such Appeals will be heard.

No Appeal to be heard unless Notice shall have been given.

LXXVII. And be it enacted, That no such Appeal or Matter of Appeal whatsoever shall in any Case, except where the Conduct and Direction of a consolidated Appeal, or of the Answer thereto, shall have been given, by Order of the said Court of Exchequer Chamber, or

General Provisions as to Registration and Appeal.

or any of the said Superior Courts of Law, to any Person, be entertained or heard by the said Court of Exchequer Chamber, unless Notice shall have been given by the Appellant to the Clerk of the Errors in the said last-mentioned Court at the Time and in the Manner herein-before mentioned; and no Appeal shall be heard by the said Court in any Case where the said Respondent shall not appear, unless the Appellant, or Person to whom the Conduct and Direction of the Appeal shall have been given, shall prove that due Notice of his Intention to prosecute such Appeal was given or sent to such Respondent Six Days at least before the Day appointed for the Hearing of such Appeal: Provided always, that if it shall appear to the said Court that there has not been reasonable Time to give or send such Notice in any Case, it shall be lawful for the said Court to postpone the Hearing of the Appeal in such Case, as to the said Court shall seem meet.

No Appeal on Questions of Fact.

LXXVIII. And be it enacted, That no Appeal or Notice of Appeal under this Act shall be received or allowed against any Decision of any Assistant Barrister upon any Question of Fact only, or upon the Admissibility or Effect of any Evidence or Admission adduced or made in any Case to establish any Matter of Fact only: Provided always, that if the said Court shall be of opinion in any Case that the Statement of the Matter of the Appeal is not sufficient to enable them to give Judgment in Law, it shall be lawful for the said Court to remit the said Statement to the Assistant Barrister by whom it shall have been signed in order that the Case may be more fully stated.

Court may remit Appeal to Assistant Barrister, to be more fully stated.

Decisions of Court of Appeal final and binding.

LXXIX. And be it enacted, That every Judgment or Decision of the said Court of Exchequer Chamber shall be final and conclusive in the Case upon the Point of Law adjudicated upon, and shall be binding upon any Committee of the House of Commons appointed for the Trial of any Petition complaining of an undue Election or Return of any Member or Members to serve in Parliament.

Register to be corrected in pursuance of Decision of Court of Appeal.

LXXX. And be it enacted, That whenever, by any Judgment or Order of the said Court of Exchequer Chamber, any Decision or Order of any Assistant Barrister shall be reversed or altered, so as to require any Alteration or Correction of the Register of Voters for any County, or for any City, Town, or Borough, Notice of the said Judgment or Order of the said Court shall forthwith be given by the said Court to the Sheriff or Returning Officer, as the Case may be, having the Custody of such Register, and also to the Clerk of the Peace hereby directed to keep Copies thereof, and each such Notice shall be in Writing under the Hand of the Clerk of the Errors in the said Court, and shall specify exactly every Alteration or Correction

to

General Provisions as to Registration and Appeal.

to be made in pursuance of the said Judgment or Order in the said Register; and such Sheriff or Returning Officer respectively shall, upon the Receipt of the said Notice, alter or correct the Register accordingly, and shall sign his Name against every such Alteration or Correction in the said Register, and shall safely keep, and hand over to his Successors, every such Notice received by him from the said Court as aforesaid, together with the said Register; and the said Clerk of the Peace shall make the like Alteration or Correction in a Copy of the Register to be kept by him for such Purpose, and also in all Copies thereof which he shall from Time to Time deliver.

Copies of Decisions shall be Evidence.

LXXXI. And be it enacted, That a Copy of any Order or Decision of the said Court of Exchequer Chamber, such Copy purporting to be signed by the Clerk of the Errors, shall be sufficient Evidence in all Cases, without Proof of the Signature of the said Clerk, and shall have the like Force and Effect as any Entry made in any List or Register of Voters under this or the said recited Act.

Appeal pending not to affect Right of Voting.

LXXXII. And be it enacted, That no Right of Voting at any Election as aforesaid of a Member or Members to serve in Parliament shall be affected by any Appeal pending in the said Court at the Time of the issuing of the Writ for such Election, but it shall be lawful for every Person to exercise the Right of Voting at such Election as effectually, and every Vote tendered thereat shall be as good, as if no such Appeal were pending; and that the subsequent Decision of any Appeal which shall be pending in the said Court at the Time of the issuing of the Writ for any such Election shall not in any way whatsoever alter or affect the Poll taken at such Election, or the Return made thereat by the Returning Officer.

Power to Court to make Orders respecting Costs.

LXXXIII. And be it enacted, That it shall be lawful for the said Court to make such Order respecting the Payment of the Costs of any Appeal, or of any Part of such Costs, as to the said Court shall seem meet: Provided always, that it shall not be lawful for the said Court in any Case to make any Order for Costs against or in favour of any Respondent or Person named as Respondent as aforesaid, unless he shall appear before the said Court in support of the Decision of the Assistant Barrister in question.

Costs and Fines imposed by Barristers, how recoverable.

LXXXIV. And be it enacted, That in case any Sum of Money, by the Order of any Assistant Barrister as aforesaid directed to be paid by any Person by way of Fine or of Costs, shall not be paid according to the Terms of such Order, it shall be lawful for any Justice of the Peace and he is hereby required, upon Proof before him that a true Copy of the said Order hath been served upon or left

General Provisions as to Registration and Appeal.

at the usual Place of Abode of the Person in the said Order directed to pay such Sum, and that the said Sum hath been demanded of such Person, and that he hath refused or neglected to pay the same, by Warrant under his Hand and Seal to order the said Sum of Money, together with the Costs of and attending the said Warrant, to be levied by Distress and Sale of the Goods and Chattels of such Person so making default which may be found within the Jurisdiction of the said Justice; and the Overplus, if any, after the said Sum of Money and Costs, and the Charges of such Distress and Sale, are deducted, shall be returned, upon Demand, to the Owner of the said Goods and Chattels: Provided always, that no Certiorari or other Writ or Process for the Removal of any such Order or Warrant, or of any Order or Warrant to be made or issued on account of a false Charge of Personation in the Manner herein-after provided, or any Proceeding thereon respectively, into any of Her Majesty's Courts at *Dublin*, shall be allowed or granted.

Register to be conclusive Evidence of Right to vote.

LXXXV. And be it enacted, That at every Election of a Member or Members to serve in Parliament for any County, City, Town, or Borough in *Ireland*, holden after the Fifteenth Day of *March* One thousand eight hundred and fifty-one, the Register of Voters so made as aforesaid under this Act shall be deemed and taken to be conclusive Evidence that the Persons therein named continue to have the Qualifications which are annexed to their Names respectively in the Register in force at such Election.

Persons rejected by Barrister may tender their Votes.

LXXXVI. Provided always, and be it enacted, That any Person whose Name shall have been omitted from any Register of Voters in consequence of the Decision of the Barrister who shall have revised the Lists from which such Register shall have been formed may tender his Vote at any Election at which such Register shall be in force, stating at the Time the Name or Names of the Candidate or Candidates for whom he tenders such Vote, and the Returning Officer or his Deputy shall not admit and allow such Vote, but shall enter upon the Poll Book every Vote so tendered, distinguishing the same from the Votes admitted and allowed at such Election.

In the Case of rated Occupiers, the Diminution of Value on Appeal, or the quashing of the Rate after a Vote given at an Election, not to invalidate such Vote.

LXXXVII. Provided also, and be it enacted, That in the Case of any Voter whose Qualification appearing on the Register of Voters in force at any such Election shall be the Occupation of Lands, Tenements, or Hereditaments rated as of the net annual Value of Twelve Pounds or upwards or Eight Pounds or upwards, as the Case may be, when any such Voter shall have voted at any such Election, no subsequent Diminution of the Valuation or Rate of or on such respective Premises upon an Appeal against the Rate, and

General Provisions as to Registration and Appeal.

and no subsequent quashing of such Rate, shall upon Petition to the House of Commons or otherwise invalidate the Vote given at such Election by such Voter who shall be so on the Register of Voters then in force as aforesaid, and shall at the Time of voting be in the Occupation of the said Premises.

No Inquiry at Election, except as to Identity of Voter, and whether he has already voted.

LXXXVIII. And be it enacted, That in all Elections whatever of a Member or Members to serve in Parliament for any County, or for any City, Town, or Borough, in *Ireland*, holden after the Fifteenth Day of *March* One thousand eight hundred and fifty-one, no Inquiry shall be permitted at the Time of polling as to the Right of any Person to vote, nor any Objection thereto made or received by any Returning Officer or his Deputy, except only as follows; (that is to say,) that the Returning Officer or his respective Deputy shall, if required on behalf of any Candidate, put to any Voter at the Time of his tendering his Vote, and not afterwards, the following Questions, or either of them:

1. "Are you the same Person whose Name appears as *A.B.* on the Register of Voters now in force for the County of [*or* for the City *or* Town *or* Borough of *as the Case may be*]?"
2. "Have you already voted, either here or elsewhere, at this Election for the County of [*or* for the City *or* Town *or* Borough of *as the Case may be*]?"

And if any Person shall wilfully make a false Answer to either of the Questions aforesaid he shall be deemed guilty of a Misdemeanor, and shall and may be indicted and punished accordingly; and the Returning Officer or his Deputy, or a Commissioner or Commissioners (whom the Returning Officer is hereby authorized, if he shall think fit, to appoint for that Purpose), shall, if required on behalf of any Candidate at the Time aforesaid, administer an Oath, or (in case of a Quaker, Moravian, or Separatist) an Affirmation, to any Voter, in the following Form:

"You do swear [*or* affirm, *as the Case may be*,] that you are the same Person whose Name appears as *A.B.* on the Register of Voters now in force for the County of [*or* for the City *or* Town *or* Borough of *as the Case may be*], and that you have not before voted, either here or elsewhere, at the present Election for the County of [*or* for the City *or* Town *or* Borough of *as the Case may be*].

"So help you GOD."

No other Oath to be taken.

LXXXIX. And be it enacted, That, save as aforesaid, it shall not be lawful to require any Voter at any Election whatever of a Member

Member or Members to serve in Parliament holden after the Fifteenth Day of *March* One thousand eight hundred and fifty-one, to take any Oath or Affirmation, either in proof of his Freehold, Occupation, or of his Residence, Age, or other Qualification or Right to vote, or of his Qualification continuing, or of his not owing any Cesses, Rates, or Taxes whatsoever, any Law or Statute, local or general, to the contrary notwithstanding, nor to reject any Vote tendered at such Election by any Person whose Name shall be upon the Register of Voters in force for the Time being, except by reason of its appearing to the Returning Officer or his Deputy, upon putting such Questions as aforesaid or either of them, that the Person so claiming to vote is not the same Person whose Name appears on such Register as aforesaid, or that he had previously voted at the same Election, or except by reason of such Person refusing to answer the said Questions or either of them, or to take the said Oath or make the said Affirmation, or to take or make the Oath or Affirmation against Bribery; and no Scrutiny shall hereafter be allowed by or before any Returning Officer with regard to any Vote given or tendered at any such Election, any Law, Statute, or Usage to the contrary notwithstanding.

General Provisions as to Registration and Appeal.

Clauses as to Personation.

XC. And be it enacted, That if at any Election of a Member or Members to serve in Parliament for any County, City, Town, or Borough in *Ireland* holden at any Time after the Fifteenth Day of *March* One thousand eight hundred and fifty-one any Person shall knowingly personate and falsely assume to vote in the Name of any other Person registered under the Provisions of the said recited Act to amend the Representation of the People of *Ireland*, or whose Name appears on the Register of Voters then in force for any such County, City, Town, or Borough, whether such other Person shall then be living or dead, or if the Name of the said other Person be the Name of a fictitious Person, every such Person shall be guilty of a Misdemeanor, and on being convicted thereof shall be punished by Imprisonment for a Term not exceeding Two Years, together with hard Labour.

Persons personating Voters guilty of a Misdemeanor.

XCI. And be it enacted, That every Person who shall aid, abet, counsel, or procure the Commission of any such last-mentioned Misdemeanor shall be liable to be indicted and punished as a principal Offender.

Aiders and Abettors punishable as Principals.

XCII. And for the more effectual Detection of the Personation of Voters at Elections, be it enacted, That it shall be lawful for any Candidate at any Election of a Member or Members to serve in Parliament for any County, City, Town, or Borough in *Ireland* holden after the Fifteenth

Agents to detect Personation may be appointed.

Clauses as to Personation.

Fifteenth Day of *March* One thousand eight hundred and fifty-one, previous to the Time fixed for taking the Poll at such Election, to nominate and appoint an Agent or Agents in his Behalf, to attend at each or any of the Booths appointed for taking the Poll at such Election, for the Purpose of detecting Personation; and such Candidate shall give Notice in Writing to the Returning Officer or his respective Deputy of the Name and Address of the Person or Persons so appointed by him to act as Agents for such Purpose, and thereupon it shall be lawful for every such Agent to attend, during the Time of polling, at the Booth or Booths for which he shall have been so appointed.

Persons charged with Personation of Voters may be taken into Custody;

XCIII. And be it enacted, That if at the Time any Person tenders his Vote at such Election, or after he has voted, and before he leaves the Polling Booth, any such Agent so appointed as aforesaid shall declare to the Returning Officer or his respective Deputy presiding therein, that he verily believes, and undertakes to prove, that the said Person so voting is not in fact the Person in whose Name he assumes to vote, or to the like Effect, then and in every such Case it shall be lawful for the said Returning Officer or his said Deputy, and he is hereby required, immediately after such Person shall have voted, by Word of Mouth to order any Constable or other Peace Officer to take the said Person so voting into his Custody, which said Order shall be a sufficient Warrant and Authority to the said Constable or Peace Officer for so doing: Provided always, that nothing herein contained shall be construed or taken to authorize any Returning Officer or his Deputy to reject the Vote of any Person who shall answer in the Affirmative the Questions authorized by this Act to be put to him at the Time of polling, and shall take the Oaths or make the Affirmations authorized and required of him, but the said Returning Officer or his Deputy shall cause the Words "Protested against for Personation" to be placed against the Vote of the Person so charged with Personation when entered in the Poll Book.

and brought before Two Justices.

XCIV. And be it enacted, That every such Constable or Peace Officer shall take the Person so in his Custody, at the earliest convenient Time, before some Two Justices of the Peace acting in and for the County, City, Town, or Borough within which the said Person shall have so voted as aforesaid: Provided always, that in case the Attendance of Two such Justices as aforesaid cannot be procured within the Space of Three Hours after the Close of the Poll on the same Day on which such Person shall have been so taken into Custody, it shall be lawful for the said Constable or Peace Officer, and he is hereby required, at the Request of such Person so in his Custody, to take him before any One Justice of the Peace acting as aforesaid; and such Justice is hereby authorized and required to

liberate such Person, on his entering into a Recognizance, with One sufficient Surety, conditioned to appear before any Two such Justices as aforesaid, at a Time and Place to be specified in such Recognizance, to answer the said Charge; and if no such Justice shall be found within Four Hours after the closing of the said Poll, then such Person shall forthwith be discharged from Custody: Provided also, that if, in consequence of the Absence of such Justices as aforesaid, or from any other Cause, the said Charge cannot be inquired into within the Time aforesaid, it shall be lawful nevertheless for any Two such Justices as aforesaid to inquire into the same on the next or on some other subsequent Day, and, if necessary, to issue their Warrant for the Apprehension of the Person so charged.

Clauses as to Personation.

XCV. And be it enacted, That if on the Hearing of the said Charge the said Two Justices shall be satisfied, upon the Evidence on Oath of not less than Two credible Witnesses, that the said Person so brought before them has knowingly personated and falsely assumed to vote in the Name of some other Person within the Meaning of this Act, and is not in fact the Person in whose Name he voted, then it shall be lawful for the said Two Justices to commit the said Offender to the Gaol of the County, City, Town, or Borough within which the Offence was committed, to take his Trial according to Law, and to bind over the Witnesses in their respective Recognizances to appear and give Evidence on such Trial, as in the Case of other Misdemeanors.

Offenders may be committed for Trial.

XCVI. And be it enacted, That if the said Justices shall, on the Hearing of the said Charge, be satisfied that the said Person so charged with Personation is really and in truth the Person in whose Name he voted, and that the Charge of Personation has been made against him without reasonable or just Cause, or if the Agent so declaring as aforesaid, or some one on his Behalf, shall not appear to support such Charge before the said Justices, then it shall be lawful for the said Justices and they are hereby required to make an Order in Writing under their Hands on the said Agent so declaring as aforesaid to pay to the said Person so falsely charged, if he shall consent to accept the same, any Sum not exceeding the Sum of Ten Pounds nor less than Five Pounds by way of Damages and Costs; and if the said Sum shall not be paid within Twenty-four Hours after such Order shall have been made, then the same shall be levied, by Warrant under the Hand and Seal of any Justice of the Peace acting as aforesaid, by Distress and Sale of the Goods and Chattels of the said Agent; and in case no sufficient Goods or Chattels of the said Agent can be found on which such Levy can be made, then the same shall be levied in like Manner on the Goods and Chattels of the

Justices may award Compensation to Persons unjustly charged.

Clauses as to Personation.

Candidate by whom such Agent was so appointed to act; and in case the said Sum shall not be paid or levied in the Manner aforesaid, then it shall be lawful for the said Person to whom the said Sum of Money was so ordered to be paid to recover the same from the said Agent or Candidate, by Civil Bill, or, with full Costs of Suit, in an Action of Debt to be brought in any One of Her Majesty's Superior Courts of Record at *Dublin*: Provided always, that if the Person so falsely charged shall have declared to the said Justices his Consent to accept such Sum as aforesaid by way of Damages and Costs, and if the whole Amount of the Sum so ordered to be paid shall have been paid or tendered to such Person, in every such Case, but not otherwise, the said Agent, Candidate, and every other Person shall be released from all Actions or other Proceedings, civil or criminal, for or in respect of the said Charge and Apprehension.

Power to provide a sufficient Attendance of Constables at Polling Places.

XCVII. And be it enacted, That it shall and may be lawful for the High Sheriff of any County, and for the Mayor or Returning Officer of any City, Town, or Borough, and he and they are hereby required, for the Purposes aforesaid, to provide a sufficient Attendance of Constables or Peace Officers in each Booth at the different Polling Places within their respective Counties, Cities, Towns, or Boroughs.

Duty of Returning Officer when Vote has been received, and another Party tenders in respect of the same Qualification.

XCVIII. And be it enacted, That in case the Vote of any Person shall have been received, and any other Person shall afterwards tender his Vote as being registered in respect of the same Qualification, stating at the Time the Name or Names of the Candidate or Candidates for whom he tenders such Vote, the Returning Officer or his Deputy shall not admit or allow such Vote, but shall enter upon the Poll Book every Vote so tendered, distinguishing the same from the Votes admitted and allowed at such Election; provided such Person shall, at any Election holden on or before the said Fifteenth Day of *March* One thousand eight hundred and fifty-one, take the Oath now by Law to be administered, or at any Election holden after the said Fifteenth Day of *March* One thousand eight hundred and fifty-one duly answer the Questions or take the Oath herein-before authorized to be put to any Voter at the Time of tendering his Vote.

Clauses as to Custody of Poll Books.

Provision for Custody of Poll Books.

XCIX. And whereas it is expedient to make better Provision than that now by Law made for the safe Custody and Production of the Poll Books at Elections subsequent to the final Close of the Poll: Be it therefore enacted, That at every contested Election of the Member or Members to serve in Parliament for any County, or for any City, Town, or Borough, in *Ireland*, holden after the Commencement

Clauses as to Custody of Poll Books.

ment of this Act, the Sheriff, Under Sheriff, or Returning Officer, after having declared the State of the Poll and made Proclamation of the Member or Members chosen to serve in Parliament, shall, anything in any Act or Acts now in force in *Ireland* to the contrary notwithstanding, forthwith enclose and seal up the several Poll Books, and tender the same to each of the Candidates to be sealed by them respectively; and in case any Candidate shall neglect or refuse to seal the same, the Sheriff, Under Sheriff, or Returning Officer shall thereupon endorse on One of the said Poll Books the Fact of such Neglect or Refusal; and every such Sheriff, Under Sheriff, or other Returning Officer shall, by himself or his Agent, as soon as possible after such Proclamation as aforesaid, deliver the same Poll Books, so sealed as aforesaid, to the Clerk of the Crown and Hanaper in the High Court of Chancery in *Ireland*, or his Deputy, or deliver the same, directed to the said Clerk of the Crown and Hanaper, to the Postmaster or Deputy Postmaster of the City, Town, or Place wherein such Proclamation shall have been made as aforesaid, who on Receipt thereof shall give an Acknowledgment in Writing of such Receipt to such Sheriff, Under Sheriff, or Returning Officer, expressing therein the Time of such Delivery, and shall keep a Duplicate of such Acknowledgment, signed by such Sheriff, Under Sheriff, or Returning Officer; and the said Postmaster or Deputy Postmaster shall despatch all such Poll Books, so sealed and directed as aforesaid, by the first Post or Mail after the Receipt thereof, to the General Post Office in *Dublin*; and the Postmaster or Postmaster General are hereby directed, immediately on the Receipt of such Poll Books, to convey the same to the Crown and Hanaper Office, and to deliver the same there, so sealed as aforesaid, to the said Clerk of the Crown and Hanaper, or his Deputy; and the said Clerk of the Crown and Hanaper, or his Deputy, is hereby required to give to such Postmaster or Postmaster General, Sheriff, Under Sheriff, Returning Officer, or Agent delivering the same, a Memorandum in Writing acknowledging the Receipt of such Poll Books, and setting forth the Day and Hour when the same were delivered at the Crown and Hanaper Office; and the said Clerk of the Crown and Hanaper, or his Deputy, is hereby required, immediately on Receipt of such Poll Books, to register the same in the Books of the said Crown and Hanaper Office, and to endorse thereon the Day and Hour upon which he received the same; and every such Sheriff, Under Sheriff, or Returning Officer is hereby required, at the Time of transmitting such Poll Books as aforesaid through the Post Office, to address and forward a Letter by the same Post or Mail to the said Clerk of the Crown and Hanaper, informing him of such Transmission, and giving the Number and Description of such Poll Books so transmitted.

C. And

Clauses as to Custody of Poll Books.

Office Copies Evidence.

C. And be it enacted, That Office Copies issued by the said Clerk of the Crown and Hanaper, or his Deputy, of such Poll Books, shall be received and taken in Evidence in all Courts of Law in Actions for Bribery or Personation, or for any other Purpose whatsoever.

Clerk of Crown and Hanaper shall keep Poll Books;

CI. And be it enacted, That the said Clerk of the Crown and Hanaper shall keep and preserve the said several Poll Books, and shall deliver to any Party applying for the same an Office Copy of all or any Part of such Poll Books, on Payment of a reasonable Charge for writing the same, and shall also permit any Party to inspect such Poll Books.

and produce them before Committee of House of Commons, when required.

CII. And be it enacted, That the said Clerk of the Crown and Hanaper shall, upon receiving a Warrant signed by the Chairman of any Committee of the House of Commons appointed for the Trial of controverted Elections, produce by himself or his Agent before such Committee the said several Books so deposited with him as aforesaid; and such Production shall be sufficient *primâ facie* Proof of the Authenticity of the said Poll Books: Provided always, that in case of the temporary Absence or Sickness of the Clerk of the Crown and Hanaper, his Chief Assistant in his Office shall and may be authorized to act in his Place for the Purposes of this Act.

Officers liable to Action for Breach of Duty.

CIII. And be it enacted, That every Sheriff, Under Sheriff, Clerk of the Peace, Town Clerk, Clerk of the Union, High Constable, Returning Officer, Clerk of the Crown and Hanaper, Postmaster, or other Person or public Officer required by this Act to do any Matter or Thing, shall for every wilful Misfeasance or wilful Act of Commission or Omission contrary to this Act forfeit to any Party aggrieved the penal Sum of One hundred Pounds, or such less Sum as the Jury before whom may be tried any Action to be brought for the Recovery of the before-mentioned Sum shall consider just to be paid to such Party, to be recovered by such Party, with full Costs of Suit, by Action of Debt in any of Her Majesty's Superior Courts in *Dublin*: Provided always, that nothing herein contained shall be construed to supersede any Remedy or Action against any Returning Officer according to any Law now in force.

Miscellaneous Provisions.

Powers of Select Committee of House of Commons on Petition in respect of Right of voting.

CIV. And be it enacted, That upon Petition to the House of Commons complaining of any undue Election or Return of any Member or Members to serve in Parliament for any County, City, Town, or Borough in *Ireland*, after the said Fifteenth Day of *March* One thousand eight hundred and fifty-one, it shall and may be lawful for the Select Committee appointed for the Trial of such Petition to inquire into and decide upon the Right to vote of any

Person

Person who, being upon the Register of Voters in force at the Time of such Election, shall have voted in such Election, or, not being upon such Register, shall have tendered his Vote at such Election, in case the Name of such Person shall have been specially retained upon such Register, or inserted therein, or expunged or omitted therefrom, by the express Decision of the Assistant Barrister who shall have revised the Lists of Voters from which such Register shall have been formed; and also that it shall and may be lawful for such Committee to inquire into and decide upon the Right to vote of any Person who, being upon such Register, shall have voted in such Election, so far as the same may be disputed on the Ground of legal Incapacity at the Time of his voting under and by virtue of any Statute now or hereafter to be in force, or on the Ground of any other legal Incapacity at the Time of his voting which may have arisen subsequently to the Expiration of the Time allowed for making out the List of Voters from which the Register of Voters in force at the Time of such Election shall have been formed; but that, except in such Cases or on such Grounds as aforesaid, the Register of Voters in force at the Time of such Election shall, so far as regards the Proceedings before such Committee, be final and conclusive, to all Intents and Purposes, as to the Right to vote in such Election of every Person who shall be upon such Register.

Miscellaneous Provisions.

CV. And be it enacted, That it shall and may be lawful for such Select Committee, in such Cases or on such Grounds, to alter the Poll taken at such Election, according to the Truth of the Case; and that they shall report the Determination thereupon to the House, and the House shall thereupon carry such Determination into effect, and the Return shall be amended or the Election declared void, as the Case may be, and the Register corrected accordingly; or such other Order shall be made as to the House may seem proper.

Select Committee may correct Poll and Register in certain Cases.

CVI. And be it enacted, That in any such City, Town, or Borough in which there shall be no Town Clerk all Matters by this Act required to be done by or in regard to the Town Clerk shall be done by and with regard to the Clerk for the Time being of the Commissioners (if any) elected in such City, Town, or Borough under the said herein-before mentioned Act of the Ninth Year of King *George* the Fourth, and in case there shall be no such Commissioners then by and with regard to the High Constable or Collector of Grand Jury Cess for such City, Town, or Borough, if there shall be a separate Collector of such Cess for the same, or if there be not such separate Collector, then by and with regard to the High Constable or Collector of such Cess for the Barony in which such City, Town, or Borough, or the larger Part of the same, is situate, until there shall be

Who shall discharge Duty of Town Clerk when there is no such Officer in any Borough.

Miscellaneous Provisions.

be a Town Clerk in any such City, Town, or Borough; and in such respective Cases all and every the Provisions of this Act shall apply and extend to such Clerks of such Commissioners, or to such High Constable or Collector of Cess, as the Case may be, as fully as to any Town Clerk; and the Expression "Town Clerk" in this Act and the Schedules thereto shall in such Cases be deemed to include any such Clerk of the Commissioners or High Constable or Collector: Provided always, that in the Borough of *Galway* all Matters by this Act required to be done by or in regard to the Town Clerk shall be done by and with regard to the Clerk of the Commissioners acting in execution of an Act passed in the Session of Parliament holden in the Sixth and Seventh Years of the Reign of King *William* the Fourth, intituled *An Act for regulating and improving the Town of* Galway *in the County of the same Town*, until there shall be a Town Clerk therein, and all and every the Provisions of this Act shall apply and extend to such Clerk of the *Galway* Town Commissioners as fully as to any Town Clerk.

In Galway all Matters required to be done, &c. by the Town Clerk shall be done, &c. by the Clerk of the Commissioners acting under 6 & 7 W. 4. c. 117.

Poor Law Commissioners to cause the Names of Baronies in which Townlands are situate to be inserted in Rate Books.

CVII. And be it enacted, That for the Purpose of facilitating the Formation of the Register of Electors according to the Provisions of this Act, the Commissioners for administering the Laws for the Relief of the Poor in *Ireland* shall, with all convenient Speed after the passing of this Act, cause the Name of the Barony or Half Barony within which any Townland is situate to be attached to the Name of such Townland in the existing Rate Books of each Union, and in all future Rate Books shall cause the Name of each Barony or Half Barony to be attached to the Name of each Townland in such Barony where such Townland is mentioned in such Rate Books.

Rate Books, or compared Copies thereof, to be primâ facie Evidence.

CVIII. And be it enacted, That for the Purpose of this Act the said Rate Books, or a compared Copy thereof or of any Part thereof, shall be *primâ facie* Evidence of the several Matters entered or stated therein, but that it shall be lawful for any Person who shall have duly served a Notice of Claim or Objection pursuant to the Provisions herein-before contained to prove by Evidence that any of the Entries or Statements therein is untrue or incorrect, except the Statements or Entries in such Rate Books of the Value of any Lands, Tenements, or Hereditaments, as to which the same are hereby declared to be conclusive for the Purposes of this Act.

Collector of Poor Rates, or Deputy, &c., shall attend to receive Poor Rates.

CIX. And be it enacted, That the respective Collector of Poor Rates shall attend in Person, or by a sufficient Deputy duly appointed by him by Writing under his Hand, at some Place in each Barony (of which he shall give public Notice) within the Union or Part of the Union whereof he is Collector, during the Thirtieth Day of

Miscellaneous Provisions.

September in the Year One thousand eight hundred and fifty, and during the Three next preceding Days, exclusive of *Sunday*, and in each Year after One thousand eight hundred and fifty-one during the First Day of *July* (not being *Sunday*), and during the Three next preceding Days, exclusive of *Sunday*, or if the First Day of *July* be *Sunday* then during the Four next preceding Days in each such Year, for the Purpose of giving Receipts for Poor Rate to any Persons requiring the same, and paying the Amount of Poor Rate then payable by them; and the respective Collector of Poor Rate or a sufficient Deputy for him as aforesaid shall in like Manner attend at a Place (of which he shall give public Notice) in every such City, Town, or Borough as aforesaid within the Union or Part of the Union of which he is Collector, during the like Days as before provided in the Year One thousand eight hundred and fifty, and (as regards each Year after One thousand eight hundred and fifty-one) during the First Day of *July* (not being *Sunday*), and during the Three next preceding Days, exclusive of *Sunday*, or if the First Day of *July* be *Sunday* then during the Four next preceding Days in each Year for the like Purpose; and if any such Collector of Poor Rates shall not return to the Clerk of the respective Union the Names and Descriptions of the Persons who shall have paid their Poor Rates, and a Statement of the Sums respectively paid by them, within the Space of Two Days after the Thirtieth Day of *September* in the Year One thousand eight hundred and fifty, or the First Day of *July* in any Year after One thousand eight hundred and fifty-one, or if any such Collector shall neglect or refuse to give his Assistance to the Clerk of the respective Union as by this Act required in or for the making out the Return or List of rated Occupiers or the Copy of the Register in any Year for the Purposes of this Act, or shall wilfully and without reasonable Cause give any false Information which may lead to the Omission of, or the entering of an Objection to the Name of any Person entitled to be inserted in such List, or to the Insertion of the Name of any Person not entitled to be inserted therein, such Collector shall be liable to a Penalty not exceeding Ten Pounds, to be recovered summarily before any Justice of the Peace, and levied by Distress.

Penalty for not making Return of Payments, and for other Offences.

CX. And be it enacted, That it shall be lawful for any Person who shall occupy any Lands, Tenements, or Hereditaments rated under the Acts for the more effectual Relief of the destitute Poor in *Ireland* at a net annual Value of Twelve Pounds or upwards, in any Electoral Division in any County, or Eight Pounds or upwards in any City, Town, or Borough in *Ireland*, in which there shall be a Rate for the Relief of the destitute Poor, and whose Name shall have been omitted from such Rate, to present to the Guardians of

Occupiers of Land or Premises valued at 12*l.* in Counties, or 8*l.* in Towns, may claim to be rated.

Miscellaneous Provisions.

of the Union a Claim to be rated in respect of such Premises, and such Claim shall be in Writing, and signed with his Name; and upon such Occupier so claiming, and actually paying or tendering the full Amount of the Rate or Rates (if any) then due in respect of such Premises, the Guardians of the Union shall insert the Name of such Occupier in such Rate in respect of such Premises as aforesaid; and in case such Guardians shall neglect or refuse so to do such Occupier shall, for the Purposes of this Act, be deemed to have been rated in respect of such Premises in the Rate in respect of which he shall have claimed to be rated as aforesaid.

No Person entitled to be registered who has received Relief under Acts for Relief of destitute Poor.

CXI. And be it enacted, That no Person shall be entitled to be registered in any Year as a Voter in the Election of a Member or Members to serve in Parliament for any County, City, Town, or Borough in *Ireland* who shall, within Twelve Calendar Months next previous to the Ninth Day of *November* One thousand eight hundred and fifty (as regards the Register for the Year One thousand eight hundred and fifty-one), or the Twentieth Day of *July* of the current Year (as regards each Year after One thousand eight hundred and fifty-one), have received Relief under the Acts for the more effectual Relief of the destitute Poor in *Ireland*.

How Distances to be measured in respect of Boroughs.

CXII. And whereas Doubts have arisen as to the proper Mode of measuring the Distance of Seven Statute Miles in the said Act to amend the Representation of the People of *Ireland* mentioned, and therein prescribed as to the Residence of Voters for Cities, Towns, and Boroughs in certain Cases: Be it therefore enacted, That the said Distance shall be measured in a straight Line from the same Place within any such City, Town, or Borough from which such Distance is to be measured according to the Directions in that Behalf in the said Act: Provided always, that in Cases where there is now or shall hereafter be a Map of any such City, Town, or Borough, and of the County or Counties surrounding the same, sufficiently extensive for the Purpose, drawn or published under the Authority and Direction of the principal Officers of Her Majesty's Ordnance, such Distance shall be measured and determined by the said Map.

Notices of Objections may be sent by Post.

CXIII. And be it enacted, That it shall be sufficient in every Case of Notice to any Person objected to in any List of County, City, Town, or Borough Voters, and also, in the Case of County Voters, to the occupying Tenant whose Name and Place of Abode appears in such respective List as aforesaid, if the Notice so required to be given as aforesaid shall be sent by the Post, free of Postage, or the Sum chargeable as Postage for the same being first paid, directed to the Person to whom the same shall be sent, at his Place of Abode as described

described in the said List of Voters; and whenever any Person shall be desirous of sending any such Notice of Objection by the Post he shall deliver the same, duly directed, open, and in Duplicate, to the Postmaster of any Post Office where Money Orders are received or paid, within such Hours as shall have been previously given Notice of at such Post Office, and under such Regulations with respect to the Registration of such Letters and the Fee to be paid for such Registration, which Fee shall in no Case exceed Two-pence over and above the ordinary Rate of Postage, as shall from Time to Time be made by the Postmaster General in that Behalf; and in all Cases in which such Fee shall have been duly paid the Postmaster shall compare the said Notice and the Duplicate, and, on being satisfied that they are alike in their Address and in their Contents, shall forward one of them to its Address by the Post, and shall return the other to the Party bringing the same, duly stamped with the Stamp of the said Post Office; and the Production by the Party who posted such Notice of such stamped Duplicate shall be Evidence of the Notice having been given to the Person at the Place mentioned in such Duplicate on the Day on which such Notice would in the ordinary Course of Post have been delivered to such Place: Provided always, that if no Place of Abode of the Person objected to shall be described in the said List, or if such Place of Abode shall be situate out of the United Kingdom, then it shall be sufficient if Notice shall be given to the Clerk of the Peace, and to such occupying Tenant as aforesaid (if any) in the Case of a County Voter, or in the Case of a City, Town, or Borough Voter, to the Town Clerk.

Miscellaneous Provisions.

CXIV. And be it enacted, That whenever any Notice is by this Act required to be given or sent to the Clerk of the Peace or Clerk or Clerks of the Union or Unions, it shall be sufficient if such Notice shall be left at his Place of Abode, or at his Office or other Place for transacting Business, or shall be sent by the Post free of Postage, or the Postage thereof being first paid, addressed to the Clerk of the Peace, or Clerk or Clerks of the Union or Unions; and that whenever by this Act any Notice is required to be given or sent to any Person or Persons whatsoever, or public Officer, it shall be sufficient if such Notice be sent by the Post in the Manner and subject to the Regulations herein-before provided with respect to sending Notices of Objection by the Post free of Postage, or the Postage thereof being first paid, addressed with a sufficient Direction to the Person or Persons to whom the same ought to be given or sent, at his or their usual Place of Abode.

Other Notices, how sent.

CXV. And be it enacted, That no Misnomer or inaccurate Description of any Person, Place, or Thing named or described in any

Errors and Misdescriptions not to

prevent Operation of Act, &c.

any Schedule to this Act annexed, or in any Rate, List, or Copy of Register of Voters or in any Notice required by this Act, shall in anywise prevent or abridge the Operation of this Act with respect to such Person, Place, or Thing, provided that such Person, Place, or Thing shall be so denominated in such Schedule, Rate, List, Copy of Register, or Notice as to be commonly understood.

Certain Provisions of 6 & 7 Vict. c. 92. repealed as to certain Boroughs.

CXVI. And whereas by an Act of the Sixth and Seventh Years of the Reign of Her present Majesty, intituled *An Act for the further Amendment of an Act for the more effectual Relief of the destitute Poor in* Ireland, it is enacted, that whenever the net annual Value of the whole of the rateable Hereditaments in any Union occupied by any Person or Persons having no greater Estate or Interest therein than a Tenancy from Year to Year, or holding under Lease or Agreement, Leases or Agreements, made after the passing of the said Act, shall not exceed Four Pounds, or in any Electoral Division situated wholly or in part in any of the Boroughs named in the Schedule annexed to the said Act shall not exceed Eight Pounds, the Rate in respect of such Property shall after the passing of the said Act be made on the immediate Lessor or Lessors of such Person or Persons; and if at the Time of making any Rate the Name of the immediate Lessor be not accurately known to the Persons making the Rate, it shall be sufficient to describe him therein as "the immediate Lessor," with or without any Name or further Addition, and such Rate shall be held to be duly made on him by such Description, and shall be recoverable from him accordingly, notwithstanding any Error or Defect in his Name or Description, or the entire Omission of his Name therein: And whereas it is expedient to repeal the said Provision, so far as the same relates to the Boroughs named in the Schedule to the said Act annexed, and no further, and to substitute another Provision in lieu thereof: Be it therefore enacted, That from and after the passing of this Act so much of the said recited Provision as relates to the said Boroughs, or any of them, named in the Schedule to the said Act annexed, shall be and the same is hereby repealed, save and except as to any Rate made or any Matter or Thing done before the passing of this Act, or as to any Remedy or Proceeding for or relating to any Rate, Matter, or Thing made or done before the passing of this Act; and that whenever, from and after the passing of this Act, the net annual Value of the whole of the rateable Hereditaments in any Electoral Division situated wholly or in part in any of the Boroughs of *Dublin*, *Cork*, *Limerick*, *Belfast*, or *Waterford*, occupied by any Person or Persons having no greater Estate or Interest therein than a Tenancy from Year to Year, or holding under a Lease or Agreement, Leases or Agreements, made after the passing of the said last-recited Act, shall be

Where Premises in certain Boroughs are rated at a Value under 8*l.*, the Rate is to be made on the immediate Lessors.

be rated for the Poor Rate under the Value of Eight Pounds, the Rate in respect of such Property shall after the passing of this Act be made on the immediate Lessor or Lessors of such Person or Persons; and if at the Time of making any such Rate the Name of the immediate Lessor be not accurately known to the Persons making the Rate, it shall be sufficient to describe him therein as "the immediate Lessor," with or without any Name or further Addition, and such Rate shall be held to be duly made on him by such Description, and shall be recoverable from him accordingly, notwithstanding any Error or Defect in his Name or Description, or the entire Omission of his Name therein.

Miscellaneous Provisions.

CXVII. And be it enacted, That in this Act and the Schedules thereto annexed, unless there be something in the Subject or Context repugnant to such Construction, the Words "Clerk of the Peace" shall be construed to include the Clerk of the Peace or his Deputy, or other Person for the Time being acting for him, and having the Custody of Records relating to the Registry of Parliamentary Voters; and the Words "Assistant Barrister" shall apply to and include the Chairman of the Sessions of the Peace for the County of *Dublin* and his Deputy, or any Barrister duly appointed as Deputy for an Assistant Barrister; the Word "County" shall include a Riding of a County; and the Words "County of a City," or "County of a Town," or "City," or "Town," or "Borough," respectively, shall include all Places situate within the Parliamentary Boundaries of such City or Town or Borough, and none other; the Words "City" or "Town" shall respectively include County of a City or County of a Town; the Expression "High Constable" shall include "Collector of Grand Jury Cess or County Cess;" and the Word "Town Clerk" shall include the Deputy of a Town Clerk duly appointed and acting in that Behalf; and the Word "Barony" shall be construed to include a Half Barony, and any separate Portion of a Barony or Half Barony in a County; and the Expression "Poor Rate" shall be construed to mean a Rate made for the more effectual Relief of the destitute Poor in *Ireland* under the said Act of the Session of Parliament holden in the First and Second Years of the Reign of Her present Majesty, or any Act or Acts amending the same; the Expression "last Rate" shall be construed to mean the last Poor Rate for the Time being for the Union or Electoral Division made relating to the respective Premises; the Word "Oath" shall include Affirmation, where by Law such Affirmation is required or allowed to be taken in place of an Oath; the Expression "Register for the Year" (specifying a Year) shall be deemed to refer to the Register of Voters revised at the Revision Courts in such specified Year; the Expression "succeeding Year" shall be deemed to refer to a Year

Interpretation of Terms.

Miscellaneous Provisions.

a Year subsequent to the Year One thousand eight hundred and fifty-one; and every Word importing the Singular Number only shall extend and be applied to several Persons and Things as well as one Person or Thing; and every Word importing the Plural Number shall extend and be applied to one Person or Thing as well as several Persons or Things.

Schedules deemed Part of Act.

CXVIII. And be it enacted, That the Schedules to this Act annexed shall be deemed Part of this Act.

Act not to extend to University of Dublin.

CXIX. And be it enacted, That nothing herein contained shall extend to the Borough of the University of *Dublin*.

Act may be amended, &c.

CXX. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

SCHE-

SCHEDULES to which the foregoing Act refers.

SCHEDULE (A.)

FORMS FOR COUNTIES.

No. 1.

County of Barony of

LIST of PERSONS registered within Eight Years previous to the Sixteenth Day of March next (under the Provisions of an Act passed in the Session of Parliament holden in the Second and Third Years of the Reign of King William the Fourth, Chapter 88., intituled "An Act to amend the Representation of the People of Ireland,") in respect of Property situate wholly or in part within the Barony of , as Voters in the Election of a Knight or Knights of the Shire for the County of (except all Persons registered under the said Act in respect of any Qualification heretofore requiring the Elector to be or to have been in the actual Occupation of the Premises).

Margin for entering Clerk of Peace's Objections.	Christian Name and Surname of each Person registered at full Length.	Place of Abode.	Nature of Qualification.	Townland or Denomination, Street, Lane, or other like Place in this Barony, and Number of House (if any), where the Property is situate, or Name of the Property, and the Name of the Tenant (if any); or if the Qualification consist of a Rent-charge, then the Name of the Owners of the Property out of which such Rent-charge is issuing, or some of them, and the Situation of the Property.	Date of Registry under the 2 & 3 W. 4. c. 88.

Dated this Day of 1850.

(Signed) *A. B.*,
Clerk of the Peace of the County of

Note.—This Form to be used only in the Year 1850.

No. 2.

PRECEPT of the CLERK of the PEACE to the CLERK of the UNION in the Year 1850.*

County of } To the Clerk of the Union of
Barony of }

IN pursuance of the Provisions of the Act of Parliament of the 13th and 14th Victoria, c. ., I require your Attention to the following Instructions: —

On or before the Tenth Day of October in the year 1850 you are to make out and transmit to me, the Clerk of the Peace of the County of at my Office at in the said County, a Return for the Barony of in this County, or if the whole of the said Barony is not situate within your Union, then a Return for that Part or Division of the said Barony which is situate within your Union, which Return is to contain a List of every Male Person of full Age who shall be rated in the then last Rate made under the Acts for the more effectual Relief of the destitute Poor in Ireland as the Occupier of any Lands, Tenements, or Hereditaments situate in the said Barony, or such Division of the said Barony as is situate within your Union, of a net annual Value of Twelve Pounds or upwards; but you are to exclude nevertheless from such Return every such Occupier who shall not on or before the Thirtieth Day of September in this Year have paid all Poor Rates (if any) which shall have become payable by him in respect of such Premises previously to the Thirty-first Day of March last; and such Return shall be in the Form and shall contain the Particulars mentioned in the Form (Number 4.) herewith sent.

After due Inquiry, which you are required to make, with the Assistance of the respective Collector or Collectors of Poor Rates in or for the said Barony or the said Division of such Barony (and which Assistance such Collector or Collectors is and are hereby required to give for such Purpose), you shall and are required to add, with a Stamp or in Writing, in the Margin of such Return the Word "objected" to the Name of any Person inserted in such Return, in case you shall have reasonable Cause to believe such Person not to be, or to have ceased to be, Occupier as aforesaid of the Lands, Tenements, or Hereditaments in respect of which he shall have been so rated, or not to have been such Occupier during the whole Period from the Ninth Day of November in the last preceding Year to the Time of your making out such Return; and in like Manner you shall also add the Word "objected" or "dead" before the Name of any Person in such Return, if you shall have reasonable Cause to believe that such Person is not entitled to have his Name on the Register of Voters to be made in this Year for the said County, or is dead, as the Case may be.

Such Return shall be signed by you, and shall be verified by you as true and correct, according to the best of your Belief, by an Oath to be taken or made by you before some Justice of the Peace for the said County within which such Lands are situate, or the County in which your Union Workhouse is situate, and which Oath any such Justice is authorized and required to administer, and such Justice is, under his Hand, to certify at the Foot of such Return the taking of such Oath.

You are to transmit the said Return so verified to me at my Office as aforesaid on or before the Tenth Day of October in this Year.

You, or a sufficient Deputy, appointed by you, are or is to attend the Court to be holden by the Assistant Barrister [*or* Chairman of the Sessions] for the County of in which the said Barony lies (of the Time and Place of holding which Notice will be sent to you), and there to have for the Inspection of the Assistant Barrister [*or* Chairman, *&c., as the Case may be,*] holding such Court the Rate Books or Copies of Parts thereof relating to Premises within such Barony or such Division thereof, as the Case may be.

Herein if you fail you will be liable to the Penalties in that Case provided. Given under my Hand, this Day of *A.B.*,

Clerk of the Peace for the County of

* Note.—This Precept to be sent to the Clerk of the Union which contains the whole of each Barony, or (if a Barony be divided so as to lie in more than One Union) then to the Clerk of each Union which contains a Part or Division of such Barony.

No. 3.

PRECEPT of the CLERK of the PEACE to the CLERK of the UNION in every Year after the Year 1851.*

County of
Barony of } To the Clerk of the Union of

IN pursuance of the Provisions of the Act of Parliament of the 13 & 14 Victoria, c. ., I require your Attention to the following Instructions:

On or before the [Eighth Day of July] in the present Year you are required to make out and transmit to me, the Clerk of the Peace of the County of at my Office at in the said County, the Copy of the Register of Voters herewith sent to you for the Barony of in the said County, or if the whole of the said Barony is not situate within your Union, then such Copy of the Register for that Part or Division of the said Barony which is situate within your Union respectively, to be prepared and dealt with in manner following; that is to say,

On or before the Eighth Day of July aforesaid, after due Inquiry, which you are required to make, with the Assistance of the respective Collector or Collectors of Poor Rates (which Assistance such Collector or Collectors is and are required to give), you shall, upon the Copy of the Register of the said Barony or Division of the said Barony included within your Union, transmitted to you herewith, enter Objections to the Names of Persons now on such Copy of Register who are not entitled to be on the Register next to be made, in manner following; that is to say, you shall add, with a Stamp or in Writing, in the Margin the Word "objected" or "dead" (as the Case may be), before the Name of any Person whose Qualification as stated on such Copy of Register is as rated Occupier of Lands, Tenements, or Hereditaments of the net annual Value of Twelve Pounds or upwards; firstly, if such Person shall not have been rated in the then last Rate made for the Relief of the Poor as the Occupier of the same Lands, Tenements, or Hereditaments in such Copy of Register mentioned of a net annual Value of Twelve Pounds or upwards, or, secondly, if such Person shall not on or before the [First Day of July] in this present Year have paid all Poor Rates (if any) which shall have become payable by him in respect of such Lands, Tenements, or Hereditaments previously to the [First Day of January] last; or, thirdly, if you shall have reasonable Cause to believe such Person not to be or to have ceased to be Occupier as aforesaid, or not to have been such Occupier during the whole Period from the [Twentieth Day of July] in the last preceding Year to the Time of your preparing the Copy of Register; or, fourthly, if you shall have reasonable Cause to believe such Person for any other Cause not to be entitled to have his Name on the Register of Voters then next to be made for such County, or to be dead, as the Case may be.

Such Copy of Register shall be signed by you, and shall be verified by you as true and correct, according to the best of your Belief, by an Oath to be taken or made by you before some Justice of the Peace for the said County within which such Lands are situate, or the County in which your Union Workhouse is situate, and which Oath any such Justice is authorized and required to administer, and to certify at the Foot of such Copy of Register the taking of such Oath.† *See Note (b) underneath.*

* Note.—This Precept to be sent to the Clerk of the Union which contains the whole of each Barony, or (if a Barony be divided so as to lie in more than One Union) then to the Clerk of each Union which contains a Part or Division of such Barony.

† Note (b).—If the Barony is divided so as to lie in more than One Union, each Clerk of a Union in which any such Division of the Barony lies is to deal with the Copy of the Register and the Names of Persons and Premises contained therein (so far as relates to such Division only of such Barony) in like Manner in all respects as required in the Case of a Barony not divided, save that he is to deal only with what relates to his own Division of the Barony; in like Manner he is to make out the Supplemental List only for his own Division of the Barony.

You

You are also to make out, and, together with such Copy of Register for the said Barony or Division of the said Barony, transmit to me, a Supplemental List of every Male Person of full Age not appearing already on such Copy of Register who shall be rated in the last Rate made for the Relief of the Poor as the Occupier of any Lands, Tenements, or Hereditaments situate within your Union, and in the said Barony, or in your Division of the said Barony, as the Case may be, of a net annual Value of Twelve Pounds or upwards; but you are to exclude nevertheless from such Supplemental List every such Occupier who shall not, on or before the First Day of July in this Year, have paid all Poor Rates (if any) which shall have become payable by him in respect of such Premises previously to the First Day of January last; and you are required, after due Inquiry, which you are required to make, with the Assistance of the respective Collector of Poor Rates as aforesaid, to enter Objections, by adding in the Margin the Word "objected" or "dead," as the Case may be, before the Names of Persons in such Supplemental List contained, and not entitled to be on the Register next to be made, in like Manner in all respects as herein-before directed and required with regard to the Copy of Register of such Barony or Division of a Barony, and the Names therein contained; and such Supplemental List shall be in the Form and shall contain the Particulars mentioned in the Form (Number 15.) herewith sent; and such List shall be signed by you, and shall be verified by you as true and correct, according to the best of your Belief, by an Oath to be taken or made by you before some Justice of the Peace for the said County within which such Lands are situate, or the County in which your Union Workhouse is situate, and which Oath any such Justice is authorized and required to administer, and to certify at the Foot of such List the taking of such Oath.

You are to return the said Copy of Register for the said Barony, or your Division of the said Barony, with all such marginal Additions as aforesaid so verified, and also therewith to transmit the said Supplemental List for the said Barony, or for your Division of the said Barony, with all such marginal Additions thereto as aforesaid so verified, to me, the Clerk of the Peace, at my Office as aforesaid, on or before the Eighth Day of July in this Year.

You are required to allow to any Person on the Lists of Voters of the County Inspection of the Rate Books, and to make Extracts therefrom during the Periods prescribed by the Statute.

You are required to notify to the respective Collectors or their Deputies to attend at a Place in each Barony, on the Days appointed by the Statute for receiving Payment of Poor Rates, and to give public Notice of such Days and Places, and also to require them to return to you Lists of such Payments as required by the Statute, subject to the Penalties therein.

You, or a sufficient Deputy, to be appointed by you, are or is to attend the Court to be holden by the Assistant Barrister [*or* Chairman of the Sessions] for the County of in which the said Barony lies (of the Time and Place of holding which Notice will be sent to you), and there to have for the Inspection of the Assistant Barrister [*or* Chairman] holding such Court the Rate Books or Copies of the Parts thereof relating to Premises within the said Barony, or your Division thereof.

Herein if you fail you will be liable to the Penalties in that Case provided.

Given under my Hand, this Day of

A.B.,
Clerk of the Peace for the County of

No. 4.

No. 4.

[*To be used in the Year 1850.*]

County of Barony of

CLERK OF UNION'S RETURN, for the Year 1850, of Male Persons rated in the last Rate under the Acts for the Relief of the destitute Poor as the Occupiers of Lands, Tenements, or Hereditaments rated separately or together at the net annual Value of Twelve Pounds or upwards, and situate in the Barony [*or* Division of the Barony] of being Part of the Poor Law Union of excluding nevertheless from this List all such Occupiers as have not on or before the Thirtieth Day of September in this Year paid all Poor Rates (if any) which have become payable by them respectively out of such respective Lands, Tenements, or Hereditaments previously to the Thirty-first Day of March last.

Column for entering the Clerk of the Union's Objections.	Rated Occupier's Christian Name and Surname at full Length.	Place of Abode.	Townland or Denomination, and Name or Description of Premises rated.	Rated Value of Premises.

I certify that this is a correct List. Dated this Day of 18 .

(Signed) *A.B.*,

Clerk of the Union of

Verified on Oath by the said *A.B.* before me, a Justice of the Peace for the County of

(Signed) *C.D.*, Justice.

No. 5.

County of Barony of

Supplemental List in the Year 1850.

CLERK of the PEACE'S SUPPLEMENTAL LIST of Male Persons rated under the last Rate under the Acts for the Relief of the destitute Poor as the Occupiers of Lands, Tenements, or Hereditaments rated separately or together at the net annual Value of Twelve Pounds or upwards, and situate in the Barony of being Part of the Poor Law Union of and all which Occupiers have, on or before the Thirtieth Day of September in this Year, paid all Poor Rates, if any, which have become payable by them respectively out of such respective Lands, Tenements, or Hereditaments previously to the Thirty-first Day of March last (excepting from this List all such Persons whose Names already appear on the List of Voters registered under the Act 2 & 3 William 4. c. 88.)

Column for entering Clerk of the Union's Objections.	Rated Occupier's Christian Name and Surname at full Length.	Place of Abode.	Townland or Denomination and Name or Description of Premises rated.	Rated Value of Premises.

I certify that this is a correct List. Dated this Day of July 18 .

(Signed) *A.B.*,

Clerk of the Peace of the County of

No. 6.

NOTICE to be given in the Year 1850 by the CLERK of the PEACE, as to Claims to vote.

County of

I HEREBY give Notice, That all Persons entitled, by virtue of any Registration under an Act passed in the Session of Parliament holden in the Second and Third Years of His late Majesty King William the Fourth, Chapter 88., intituled "An Act to amend the Representation of the People of Ireland," or otherwise, to be put on the Register and vote in the Election of a Knight or Knights of the Shire to serve in Parliament for the County of in respect of any Property situate wholly or in part within any Barony of this County, who shall not be either upon the List of Voters registered under the said Act, or upon the Supplemental List for such respective Barony, or who, having been registered under the said Act, shall not retain the same Qualification or continue in the same Place of Abode as described in such List of registered Voters, and who are desirous to have their Names inserted in the Register about to be made under an Act passed in the Session of Parliament holden in the Thirteenth and Fourteenth Years of Her present Majesty's Reign, to amend the Laws which regulate the Qualification and Registration of Parliamentary Voters in Ireland, (except Persons registered under the said Act of His late Majesty's Reign in respect of any Qualification requiring the Elector to be or to have been in the actual Occupation of the Premises,) are hereby required to give or send to me, at my Office, on or before the Twenty-fifth Day of November in this Year, a Notice of Claim in Writing, by them signed, in which their Name and Surname at full Length, their Place of Abode, the Date of their Registry under the said Act, (if any, and if still in force,) and the Particulars of their Qualification, must be legibly written, according to the Form (No. 7.) hereunder set forth.* Any Person who is now registered (not being a Person registered in respect of a Qualification requiring actual Occupation of the Lands, Tenements, or Hereditaments) may also make his Claim, if he thinks fit; but it is not necessary that he should do so if he has the same Qualification and Place of Abode as when registered. Persons entitled by virtue of a Qualification in respect of Lands, Tenements, or Hereditaments (held by them in Fee or in Tail, &c.) of the rated net annual Value of Five Pounds, and being to them of the net annual Value of Five Pounds above all Charges, Taxes, &c., under the said Act of the Thirteenth and Fourteenth Years of Her present Majesty, are also required to send Notices of Claim in like Manner, so far as may be.

Dated this Day of in the Year 1850.

(Signed) *A.B.*,

Clerk of the Peace of the County of

* The Form (No. 7.) should be annexed to this Notice.

No. 7.

No. 7.

FORM of NOTICE of CLAIM to be sent to the CLERK of the PEACE in the Year 1850.

Barony of

To the Clerk of the Peace of the County of

I HEREBY give you Notice, That I claim to be inserted in the List for this Barony of Voters for the County of (* by virtue of the Registration under 2 & 3 Will. 4. c. 88., *if the Case be so*), and that the Particulars of my Place of Abode and Qualification are stated in the Columns below. Dated the Day of in the Year

(Signed) *A.B.*

Date of Registry of Persons claiming by virtue of Registration under 2 & 3 Will. 4. c. 88. (if any.)	Christian Name and Surname of the Claimant at full Length.	Place of Abode.	Nature and Amount of Qualification.	Townland or Denomination, Street, Lane, or other like Place in this Barony, and Number of House (if any), where the Property is situate, or Name of the Property, or Name of the occupying Tenant (if any), or if the Qualification consist of a Rent-charge, then the Names of the Owners of the Property out of which such Rent-charge is issuing, or some of them, and the Situation of the Property.

* Note.—These Words within the Parentheses may be struck out if the Claim be not under a Registration as here mentioned.

No. 8.

No. 8.

NOTICE to be given by the CLERK of the PEACE in all Years after 1851, as to Claims to vote.

County of

I HEREBY give Notice, That all Persons entitled to vote in the Election of a Knight or Knights of the Shire for the County of in respect of any Property situate wholly or in part within any Barony of this County, who shall not be on the Supplemental List of Rate-payers for such Barony, and are not upon the Register of Voters now in force (relating to such Barony), or who being upon the Register shall not retain the same Qualification or continue in the same Place of Abode as described in such Register, and who are desirous to have their Names inserted in the Register of Voters about to be made for the said County, are hereby required to give or send to me at my Office, on or before the Fourth Day of August in this Year, a Notice in Writing, by them signed, in which their Name and Surname at full Length, their Place of Abode, and the Particulars of their Qualification, must be legibly written, according to the Form (No. 9.) hereunder set forth.* Any Person who is upon the present Register may also make his Claim, if he thinks fit; but it is not necessary that he should do so if he has the same Qualification and Place of Abode as now described in the Register.

Dated this Day of in the Year

(Signed) *A.B.*,
Clerk of the Peace of the County of

No. 9.

FORM of NOTICE of CLAIM to be given to the CLERK of the PEACE in all Years after 1851.

Barony of

To the Clerk of the Peace of the County of

I HEREBY give you Notice, That I claim to be inserted in the List for this Barony of Voters for the County of and that the Particulars of my Place of Abode and Qualification are stated in the Columns below. Dated the Day of in the Year

(Signed) *A.B.*

Christian Name and Surname of the Claimant at full Length.	Place of Abode.	Nature and Amount of Qualification.	Townland or Denomination, Street, Lane, or other like Place in this Barony, and Number of House (if any), where the Property is situate, or Name of the Property, or Name of the occupying Tenant, if any, or if the Qualification consist of a Rent-charge, then the Names of the Owners of the Property out of which such Rent is issuing, or some of them, and the Situation of the Property.

* Note.—The Form (No. 9.) should be annexed to this Notice.

No. 10,

No. 10.

County of
Barony of
to wit.

The LIST of PERSONS, in the Year 18 , claiming to be entitled to vote in the Election of a Knight [*or* Knights] of the Shire for the County of in respect of Property situate wholly or in part within the Barony of

Margin for entering Clerk of the Peace's Objections.	Christian Name and Surname of each Voter at full Length.	Place of Abode.	Date of Registration (if any) under 2 & 3 W. 4. c. 88. [*This Column to be inserted only in the Year 1850.*]	Nature and Amount of Qualification.	Townland or Denomination, Street, Lane, or other like Place in this Barony, and Number of House (if any), where the Property is situate, or Name of the Property, and the Name of the Tenant, if any, or if the Qualification consist of a Rent-charge, then the Names of the Owners of the Property out of which such Rent is issuing, or some of them, and the Situation of the Property.

(Signed) *A.B.*,
Clerk of the Peace of the said County.

No. 11.

NOTICE of OBJECTION to be given to the CLERK of the PEACE.

Barony of

To the Clerk of the Peace of the County of

I HEREBY give you Notice, That I object to the Name of the Person mentioned and described below being retained in the List for this Barony of Voters for the County of

Christian and Surname of the Person objected to, as described in the List or Register.	Place of Abode, as described.	Nature of Qualification as described (if registered under 2 & 3 W. 4. c. 88. it must be so stated).	Townland or Denomination, Street, Lane, or other like Place, where the qualifying Property is situate, &c., as described in the List or Register.

Dated the Day of in the Year

(Signed) *A.B.* [*Place of Abode.*]

No. 12.

NOTICE of OBJECTION to be given to Parties objected to by any Person other than the CLERK of the PEACE or CLERK of the UNION.

Barony of

To Mr. of

TAKE notice, That I object to your Name [*in the Notice to the Tenant, instead of the Words* "your Name," *insert the Name of the Person objected to,*] being retained in the List for this Barony of Voters for the County of

Dated this Day of One thousand eight hundred and

(Signed) *A.B.*, of [*Place of Abode,*]
being now registered [*or* on the Register of Voters, *or* List of Voters, *as the Case may be,*] for the County of

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No. 13.

LIST of PERSONS objected to, in the Year 18 , to be published by the CLERK of the PEACE.

County of Barony of

THE following Persons have been objected to, as not being entitled to have their Names retained in the List for this Barony of Voters for the County of

Christian Name and Surname of each Person objected to.	Place of Abode.	Nature of the supposed Qualification (if registered under 2 & 3 Will. 4. c. 88. so state).	Townland or Denomination, Street, Lane, or other like Place in this Barony, and Number of House (if any), where the Property is situate, or Name of the Property, or Name of the Tenant, or, if the Qualification consist of a Rent-charge, then the Names of the Owners of the Property out of which such Rent is issuing, or some of them, and the Situation of the Property.

(Signed) *A.B.*,
Clerk of the Peace of the County of

No. 14.

No. 14.

County of Barony of

COPY of the REGISTER (so far as relates to the Barony of) of PERSONS entitled to vote at any Election of a Member or Members of Parliament for the County of between the 30th Day of November 18 and the 1st Day of December 18

Margin for entering Clerk of the Peace's Objections as to others than rated Occupiers.	Margin or Column for entering Clerk of the Union's Objections as to rated Occupiers.	Number prefixed to each Name on the Register.	Christian Name and Surname of each Person on the Register, at full Length.	Place of Abode.	Nature of Qualification.	Amount of Qualification or Rating.	Townland or Denomination, Street, Lane, or other like Place in this Barony, and Number of House (if any) where the Property is situate, or Name of the Property, and the Name of the Tenant (if any), or if the Qualification consist of a Rent-charge, then the Name of the Owners of the Property out of which such Rent-charge is issuing, or some of them, and the Situation of the Property.	*Date of Registry (in Cases where Party claims under a Registration under 2 & 3 W. 4. c. 88.)

Dated this Day of 18 .

(Signed) *A.B.*,

Clerk of the Peace of the County of

Note.—This Form to be used in all Years after 1851.

* Note.—This Column to used be only in the Six Years following 1851.

No. 15.

[*To be used in all Years after 1851.*]

County of Barony of

CLERK of the UNION'S SUPPLEMENTAL LIST, for the Year 18 , of Male Persons (not already appearing on the Copy of Register for this Barony) rated in the last Rate under the Acts for the Relief of the destitute Poor as the Occupiers of Lands, Tenements, or Hereditaments rated separately or together at the net annual Value of Twelve Pounds or upwards, and situate in the Barony of , being Part of the Poor Law Union of and all which Occupiers have, on or before the First Day of July in this Year, paid all Poor Rates, if any, which have become payable by them respectively out of such respective Lands, Tenements, or Hereditaments previously to the First Day of January last.*

Column for entering the Clerk of the Union's Objections.	Rated Occupier's Christian Name and Surname at full Length.	Place of Abode.	Rated Value of Premises.	Townland or Denomination, Name and Description of Premises rated, Street, Lane, or other like Place in this Barony, and Number of House (if any), where the Property is situate, or Name of the Property.

I certify that this is a correct List. Dated this Day of July 18

(Signed) *A.B.*,

Clerk of the Union of

Verified on Oath by the said *A.B.* before me, a Justice of the Peace for the County of , this Day of

C.D.

* Note.—All Persons whose Names already appear on the Copy of the Register for this Barony are to be omitted from this List.

SCHE-

SCHEDULE (B.)
FORMS FOR BOROUGHS.

No. 1.

The LIST, for the Year 18 , of PERSONS registered within Eight Years previous to the [First Day of December](a) next, under the Provisions of an Act passed in the Session of Parliament holden in the Second and Third Years of the Reign of King William the Fourth, intituled "An Act to amend the Representation "of the People of Ireland," entitled to vote in the Election of a Member [*or* Members] for the City [*or* Town *or* Borough] of in respect of the Inhabitancy of Houses of the yearly Value of Five Pounds within such City [*or* Town *or* Borough].*

(a) In the Year 1850 the 16th Day of March is to be inserted here instead of 1st of December.

Christian Name and Surname of each Voter at full Length.	Place of Abode.	Nature of Qualification.	Street, Lane, or other like Place in this City [*or* Town *or* Borough] and Number of the House (if any), where the Property is situate.	Date of Registry.

(Signed) *A.B.* { Clerk of the Peace of [*or* acting in or for] the City [*or* Town *or* Borough] of

* Note.—This Form to be used in the Year 1850 and the Seven next succeeding Years, except 1851.

No. 2.

The LIST, for the Year 18 , of all PERSONS (not being on the Freeman's Roll) registered within Eight Years previous to the [First Day of December] (b) next, under the Provisions of an Act passed in the Session of Parliament holden in the Second and Third Years of the Reign of King William the Fourth, intituled "An Act to amend the Representation of the People of Ireland," entitled to vote in the Election of a Member [*or* Members] for the City [*or* Town *or* Borough] of in respect of any other Right (other than the Inhabitancy of a House of the yearly Value of Five Pounds, or the Occupation of Premises of the clear yearly Value of not less than Ten Pounds, or other than any Qualification requiring the Voter to be or to have been in actual Occupation), save that Forty Shilling Freeholders (if any registered) are to be inserted in this List.†

(b) In the Year 1850 the 16th of March is to be inserted here instead of 1st of December.

Christian Name and Surname of each Voter at full Length.	Place of Abode.	Nature of Qualification.	Street, Lane, or other like Place in this City [*or* Town *or* Borough], and Number of the House (if any), where the Property is situate (when the Right of voting depends on Property).	Date of Registry.

(Signed) *A.B.* { Clerk of the Peace of [*or* acting in or for] the City [*or* Town *or* Borough] of

† Note.—This Form to be used in the Year 1850 and the Seven next succeeding Years, except 1851.

No. 3.

No. 3.

LIST, for the Year 18 , of PERSONS on the Freeman's Roll for the City [*or* Town *or* Borough] of registered within Eight Years previous to the [First Day of December] (*a*) next, under the Provisions of an Act passed in the Session of Parliament holden in the Second and Third Years of the Reign of King William the Fourth, intituled "An Act to "amend the Representation of the People of Ireland," entitled to vote in the Election of a Member [*or* Members] for the said City [*or* Town *or* Borough].*

(*a*) *In the Year 1850 the 16th of March is to be inserted instead of the 1st of December.*

Christian and Surname of each Person on the Freeman's Roll at full Length.	Place of Abode.	Date of Registry.

(Signed) *A.B.* { Clerk of the Peace of [*or* acting in or for] the City [*or* Town *or* Borough] of

* Note.—This Form to be used in the Year 1850 and the Seven next succeeding Years, except 1851.

No. 4.

PRECEPT of the CLERK of the PEACE to the TOWN CLERK.†

City [*or* Town *or* Borough] of in the County of to wit. } To the Town Clerk [*or* Clerk of the Town Commissioners, *&c. &c., as the Case may be*] of the City [*or* of *or* in the Town *or* Borough] of .

IN pursuance of the Provisions of the Act of Parliament of the 13th Victoria, c. , I require your Attention to the following Instructions:

On or before the [Fifth Day of June] (*a*) you are to publish a Notice, signed by you, according to the Form marked No. 5., among the printed Forms herewith sent.

The Manner in which you are required to publish that Notice, and also the Lists herein-after mentioned, is as follows; (that is to say,) you are to fix one of the printed Copies (each Copy being first signed by you) in some public and conspicuous Situation on the Outside of the outer Door or on the outer Wall near the Door of the Town Hall, or if there should be no Town Hall, then in some public and conspicuous Situation in this City [*or* Town *or* Borough], heretofore used for posting public Notices, and it must remain there during a Period including Two Sundays at least.

(*a*) *In the Year 1850 the following Dates are to be substituted for those in this Form; the 13th of September instead of the 5th of June, the 9th of November instead of the 20th of July, the 30th of September instead of the 1st of July, the 31st of March instead of the 1st of January, the 12th of November instead of the 22d of July, the 25th of November instead of the 4th of August, the 2d of December instead of the 11th of August, the 12th of December instead of the 20th of August, the 14th of December instead of the 22d of August, the 17th of December instead of the 25th of August.*

† Note.—When there is no Town Clerk the Clerk of the Commissioners (if any) elected in such City, Town, or Borough under the Act of the 9 G. 4. c. 82., or if there be no such Commissioners then the Collector of Grand Jury Cess is to be substituted, and is to act throughout in like Manner as the Town Clerk (if any) should act.

On or before the [Twentieth Day of July] you are to make out alphabetical Lists of all Persons who shall be entitled to vote in the Election of a Member [*or* Members] to serve in Parliament for this City [*or* Town *or* Borough]; that is to say, first, an alphabetical List, according to the Form (numbered 7.) herewith sent, of all such Male Persons of full Age as shall appear on the List transmitted to you by the Clerk of the Union in this Year as the rated Occupier or One of several rated joint Occupiers of Lands, Tenements, or Hereditaments situate within this City [Town *or* Borough] of the net annual Value of Eight Pounds or upwards, (or, in the Case of joint Occupiers, Eight Pounds or upwards for each such joint Occupier,) and also of all Persons (if any) who shall be then entitled to vote in the Election of a Member [*or* Members] to serve in Parliament for such City [Town *or* Borough] in respect of the Inhabitancy of Houses; and another alphabetical List, according to the Form (numbered 8.) herewith sent, of all other Persons (except Persons on the Freemen's Roll) who shall be entitled to vote in the Election of such City [Town *or* Borough] by virtue of any other Right whatsoever; and a Third alphabetical List, according to the Form (numbered 9.) herewith sent, of all Persons on the Freemen's Roll who shall be entitled to vote in the Election of such City [Town *or* Borough].

*[And you are also in the Year One thousand eight hundred and fifty, and in each of the next succeeding Seven Years, except the Year One thousand eight hundred and fifty-one, to insert in the aforesaid Lists respectively all Persons on the several alphabetical Lists No. 1., No. 2., and No. 3., herewith sent, to whom no Objection may apply in respect of the Nonpayment of Poor Rates by any Person on the List No. 1., or to whom no Objection may apply in respect of Nonresidence by any Person on the Lists No. 2. and 3., together with the Dates of their respective Registries under the Act of the Second and Third Years of the Reign of King William the Fourth, Chapter 88., each in the proper List, according to the Nature of his Franchise (except all Persons registered under the said Act in respect of the Occupation of Premises of the clear yearly Value of not less than Ten Pounds situate within such City [Town *or* Borough])].

You are to omit from the first-mentioned List (marked No. 7.) all such Persons as shall not have paid, on or before the [First Day of July] then next preceding, all Poor Rates payable by them severally, if any, in respect of such Premises previously to the [First Day of January] then next preceding; and you are in like Manner to omit from the Two last-mentioned Lists (marked No. 8. and No. 9.) all such Forty Shilling Freeholders, Freemen, and others, entitled to vote by any Right to the Enjoyment of which Residence is by Law required, as shall not have resided for Six Calendar Months next previous to the said [Twentieth Day of July] in this Year within the said City [Town *or* Borough], or within Seven Statute Miles of the usual Place of Election therein.

You are to add, with a Stamp or in Writing, the Word "objected" to the Name of any Person inserted in such first-mentioned List (marked No. 7.), in case you shall have reasonable Cause to believe such Person not to be, or to have ceased to be, Occupier or joint Occupier of the Premises in respect of which he shall have been rated, or not to have been such Occupier or joint Occupier for the Space of Twelve Calendar Months next previous to such

* Note.—This following Paragraph is to be inserted only in the Year 1850 and each of the next succeeding Seven Years, except 1851.

[Twentieth

[Twentieth Day of July]; and you are in every succeeding Year after the Year One thousand eight hundred and fifty-one to add in like Manner the Word "objected" to the Name of every Person whose Qualification appearing on the Copy of Register shall be the Occupation or joint Occupation of Premises of the net annual Value of Eight Pounds or upwards, or (in the Case of joint Occupation) Eight Pounds or upwards for each such joint Occupier, and who shall not appear in the List transmitted to you by the Clerk of such Union in such Year; and you are also in every Year to add in like Manner the Word "objected" or "dead" before the Name of any Person contained in such Lists of Voters or Copy of Register delivered to you by the Clerk of the Peace as aforesaid, if you have reasonable Cause to believe that such Person is not entitled to have his Name on the Register then next to be made, or is dead, as the Case may be. In each of the said Lists No. 7, 8, and 9, to be made out by you, the Christian Name and Surname of every such Person must be written at full Length, together with the Place of his Abode and the Nature of his Qualification; and where any Person shall be entitled to vote in respect of any Property in Lands, Tenements, or Hereditaments, then the Name of the Street, Lane, and the Number of the House (if any), or other Description of the Place where such Property may be situate, shall be specified in the List; and you shall sign such Lists marked Nos. 7, 8, and 9, and shall forthwith cause a sufficient Number of Copies of the said Lists, with all such marginal Additions, to be written or printed.

You are to publish, in the Manner herein-before mentioned with regard to Notices, Copies of the said Lists No. 7, 8, and 9, signed by you, on or before the [Twenty-second Day of July] in this Year, and you are likewise to keep a Copy of each of the said Lists, signed by you, to be perused by any Person, without Payment of any Fee, at any Time between the Hours of Ten of the Clock in the Forenoon and Four of the Clock in the Afternoon of any Day, except Sunday, during the first Fourteen Days after such Lists shall have been so published, and you are to deliver Copies thereof to all Persons applying for the same, on Payment of a Price for each Copy after the Rate contained in the Table (numbered 1.) herewith sent.

You are, on or before the [Eleventh Day of August], to make out and to publish, in manner aforesaid, Lists according to the Forms numbered 11, 12, and 13, containing the Name of every Person who shall have given or have caused to be given to you, on or before the [Fourth Day of August] his Claim to have his Name inserted in any List; but if you have reasonable Cause to believe that any Person whose Name shall appear in such Lists of Claimants is not entitled to have his Name upon the Register then next to be made, you are to add in like Manner the Word "objected" before the Name of every such Person on the Margin of such List of Claimants; you are also to make out other Lists, according to the Forms numbered 16, 17, and 18, containing the Name of every Person against whom a Notice of Objection shall have been given to you, on or before the [Twentieth Day of August], as not being entitled to have his Name retained in any List for your City [*or* Town *or* Borough]; and on or before the [Twenty-second Day of August] you are to sign and publish each of such last-mentioned Lists on some public and conspicuous Situation on the Outside of the outer Door or on the outer Wall near the Door of the Town Hall, or if there be no Town Hall, then on such other Place as aforesaid in the same Manner as before mentioned with regard to the Notices.

You

You are to keep a Copy of these Lists, signed by you, and you are to allow the same, and also the Notices of Objection, to be perused by any Person, without Payment of any Fee, at any Time between the Hours of Ten of the Clock in the Forenoon and Four of the Clock in the Afternoon of any Day, except Sunday, during the first Fourteen Days after the said Lists shall have been published, and you are to deliver a Copy of each of such Lists to any Person requiring the same, on the Payment of a Price for each Copy after the Rate contained in the Table marked Schedule (C.) No. 1., herewith sent.

If you shall find any such Notice, List, or other Document published by you as aforesaid to be destroyed, mutilated, effaced, or removed, you are forthwith to place another in its Room to the same Effect.

On or before the [Twenty-fifth Day of August] you are to deliver to me Copies of the said Lists of Voters so made out by you, with the marginal Additions as aforesaid, Copies of the Lists of Claimants, and Copies of the Lists of Persons objected to, so respectively made out and signed by you as aforesaid, together (in the Year One thousand eight hundred and fifty-one) with the List of Voters registered under the Act of the 2d and 3d of William the Fourth, Chapter 88, and together (in every succeeding Year) with the Copy of the Register.

You are to attend the Court to be holden for the Revision of the List of Voters for your City [*or* Town *or* Borough], of the Time of holding which Notice will be given; and at the opening of such Court you are there to deliver to the Assistant Barrister [*or* Chairman of the Sessions for the County, *or* Barrister, *as the Case may be*], before whom the same shall be holden, the several Lists made out by you, with the marginal Additions as aforesaid, and signed by you, and the original Notices of Objection and the original Notices of Claims given to you, together with the List transmitted to you by the Clerk of the Union in this Year.

Herein if you fail, you will be liable to the Penalties in that Case provided. Given under my Hand this Day of One thousand eight hundred and

(Signed) *A.B.* { Clerk of the Peace of or acting in or for the City [*or* Town *or* Borough] of

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No. 5.

NOTICE to be given by the TOWN CLERK.*

City [*or* Town *or* Borough] of in the County of to wit. } I HEREBY give Notice, That no Person will be entitled to have his Name inserted in any List of Voters for this City [*or* Town *or* Borough] now about to be made in respect of the Occupation of Premises rated under the last Rate for the Relief of the destitute Poor separately or together at a net annual Value of Eight Pounds or upwards, or in the Case of joint Occupiers, Eight Pounds or upwards for each of such joint Occupiers, or in respect of the Inhabitancy of a House situate within this City [*or* Town *or* Borough], unless he shall pay,

* *Note.—In the Year One thousand eight hundred and fifty the Thirtieth of September is to be inserted in this Form instead of the First of July, and the Thirty-first of March instead of the First of January.*

on or before the [First Day of July] next, all the Poor's Rates which have become due from him (if any) in respect of such Premises before the [First Day of January] last past; and all such Persons who omit to make such Payments will be incapable of being upon the next Register of Voters for this City [*or* Town *or* Borough]. Dated this Day of June in the Year One thousand eight hundred and

(Signed) *A.B.* { Town Clerk for the City [*or* Town *or* Borough] of

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No. 6.

CLERK of UNION'S LIST, for the Year 18 , of Male Persons rated in the last Rate under the Acts for the Relief of the destitute Poor as the Occupiers of Lands, Tenements, or Hereditaments rated separately or together at the net annual Value of Eight Pounds or upwards, and situate in the City [*or* Town *or* Borough] of being Part of the Poor Law Union of (or, in the Case of joint Occupiers, rated at a net annual Value of such an Amount as, when divided by the Number of such Occupiers, would give to each a net annual Value of Eight Pounds or upwards); excluding from this List all such Occupiers as have not, on or before the [First Day of July] in this Year, paid all Poor Rates, if any, which have become payable by them respectively out of such respective Premises previously to the [First Day of January] last.

* *Note.—In the Year One thousand eight hundred and fifty the Thirtieth of September is to be inserted in this Form instead of the First of July, and the Thirty-first of March instead of the First of January.*

Christian Name and Surname at full Length.	Place of Abode.	Name or Description of Premises rated.	Rated Value of Premises.

I certify that this is a correct List. Dated this Day of 18 .

(Signed) *A.B.*,
Clerk of the Union of

Verified on Oath by the said *A.B.* before me, a Justice of the Peace for the of

(Signed) *C.D.*, Justice.

No. 7.

* *Note.—In the Year One thousand eight hundred and fifty the Thirtieth of September is to be inserted in this Form instead of the First of July, and the Thirty-first of March instead of the First of January.*

LIST of MALE PERSONS entitled to vote in the Election of a Member [*or* Members] to serve in Parliament for the City [*or* Town *or* Borough] of as being Persons rated in the last Rate under the Acts for the Relief of the destitute Poor as the Occupiers of Lands, Tenements, and Hereditaments, rated separately or together at the net annual Value of Eight Pounds or upwards, and situate in the City [*or* Town *or* Borough] of being Part of the Poor Law Union of (or, in the Case of joint Occupiers, rated at a net annual Value of such an Amount as, when divided by the Number of such Occupiers, would give to each a net annual Value of Eight Pounds or upwards), and also of Persons (if any) entitled to vote as aforesaid in respect of the Inhabitancy of Houses of the yearly Value of Five Pounds, all which Persons aforesaid have, on or before the [First Day of July] in this Year, paid all Poor Rates, if any, which have become payable by them respectively out of such respective Premises previously to the [First Day of January] last.*

Margin for entering Town Clerk's Objections.	Christian Name and Surname at full Length.	Place of Abode.	Nature of Qualification, whether rated Occupier or Inhabitant Householder.	Date of Registry (if any) under 2 & 3 W. 4. c. 88. in case of Inhabitant Householders.	Name or Description of Premises rated. Street, Lane, or other like Place in this City [*or* Town *or* Borough], and Number of the House (if any), where the Property is situate.	Rated Value of Premises.

I certify that this is a correct List. Dated this Day of July 18 .

(Signed) *A.B.* { Town Clerk for the City [*or* Town *or* Borough] of

Note.—The Date of Registry under 2 & 3 W. 4. c. 88. is to be inserted only in the Year One thousand eight hundred and fifty and the next succeeding Seven Years, except One thousand eight hundred and fifty-one, and only opposite to the Names of Persons included in the List No. 1., delivered to the Town Clerk by the Clerk of the Peace.

No. 8.

The LIST, for the Year 18 , of all PERSONS (not being on the Freeman's Roll) entitled to vote in the Election of a Member [*or* Members] for the City [*or* Town *or* Borough] of in respect of any Right whatsoever (other than and except the Inhabitancy of a House of the yearly Value of Five Pounds, or the Occupation as rated Occupiers of Premises of the rated net annual Value of Eight Pounds or upwards).

Margin for entering Town Clerk's Objections.	Christian Name and Surname of each Voter at full Length.	Place of Abode.	Nature of Qualification.	Date of Registry under 2 & 3 W. 4. c. 88. (if any.)	Street, Lane, or other Place in this City [*or* Town *or* Borough] where the Property is situate, and Number of the House (if any). [When the Right of voting depends on Property.]

Note.—The Date of Registry under 2 & 3 W. 4. c. 88. is to be inserted only in the Year One thousand eight hundred and fifty and the next succeeding Seven Years, except One thousand eight hundred and fifty-one, and only opposite to the Names of Persons included in the List No. 2., delivered to the Town Clerk by the Clerk of the Peace.

(Signed) *A.B.* { Town Clerk for the City [*or* Town *or* Borough] of

No. 9.

The LIST, for the Year 18 , of PERSONS on the Freeman's Roll for the City [*or* Town *or* Borough] of entitled to vote in the Election of a Member [*or* Members] for the said City [*or* Town *or* Borough].

Column for entering Town Clerk's Objections.	Christian Name and Surname of each Freeman at full Length.	Date of Registry under 2 & 3 W. 4. c. 88. (if any.)	Place of his Abode.

(Signed) *A.B.* { Town Clerk of the City [*or* Town *or* Borough] of

Note.—The Date of Registry under 2 & 3 W. 4. c. 88. is to be inserted only in the Year One thousand eight hundred and fifty and the next succeeding Seven Years, except One thousand eight hundred and fifty-one, and only opposite to the Names of Persons included in the List No. 3., delivered to the Town Clerk by the Clerk of the Peace.

No. 10.

No. 10.

Notice of Claim.

To the Town Clerk of the City [*or* Town *or* Borough] of

I HEREBY give you Notice, That I claim to have my Name inserted in the List (No. .) made by you of Persons entitled to vote in the Election of a Member [*or* Members] for the City [*or* Town *or* Borough] of and that the Particulars of my Qualification and Place of Abode are stated in the Columns below [and that I claim by virtue of Registration under the 2 & 3 W. 4. c. 88. [*if the Fact be so*] on the Day of in the Year].

Dated the Day of One thousand eight hundred

Christian Name and Surname of the Claimant at full Length.	Place of Abode.	Nature of Qualification.	Street, Lane, or other Place in the City [*or* Town *or* Borough] where the Property is situate, and Number of the House (if any). [When the Right depends on Property.]

(Signed) *A.B.*

Note.—If more than One List of Voters, the Notice of Claim should specify the List to which the Claim refers.

No. 11.

List, for the Year 18 , of Claimants, to be published by the Town Clerk.

The following Persons claim to have their Names inserted in the List of Persons entitled to vote in the Election of a Member [*or* Members] for the City [*or* Town *or* Borough] of in respect of being rated in the last Rate as Occupiers of Lands, Tenements, or Hereditaments rated separately or together at the net annual Value of Eight Pounds or upwards, within the said City [*or* Town *or* Borough], or in respect of the Inhabitancy of Houses of the yearly Value of Five Pounds within the said City [*or* Town *or* Borough].

Column for entering Town Clerk's Objections.	Christian Name and Surname of each Claimant at full Length.	Place of Abode.	Nature of Qualification.	Date of Registration (if any) under 2 & 3 W. 4. c. 88. [*To be inserted only in the Year 1830, and the next Seven Years, except 1831.*]	Street, Lane, or other like Place in this City [*or* Borough], where the Property is situate, and Number of the House (if any). [When the Right depends on Property.]

(Signed) *A. B.*

Town Clerk of the City [or Town *or* Borough] of

No. 12.

No. 12.

LIST, for the Year 18 , of CLAIMANTS, to be published by the TOWN CLERK.

The following Persons claim to have their Names inserted in the List of Persons (not being on the Freeman's Roll) entitled to vote in the Election of a Member [*or* Members] for the City [*or* Town *or* Borough] of in respect of any Rights whatsoever (other than and except the Inhabitancy of a House of the yearly Value of Five Pounds, or the Occupation as rated Occupiers of Premises of the rated net annual Value of Eight Pounds or upwards).

Column for entering Town Clerk's Objections.	Christian Name and Surname of each Claimant at full Length.	Place of Abode.	Date of Registration (if any) under 2 & 3 W. 4. c. 88. [*To be inserted only in the Year 1850, and in each of the next Seven Years, except 1851.*]	Nature of Qualification.	Street, Lane, or other Place in this City [Town *or* Borough] where the Property is situate, and Number of House (if any). [When the Right depends on Property.]

(Signed) *A. B.*,
Town Clerk of the City [*or* Town *or* Borough] of

No. 13.

LIST, for the Year 18 , of CLAIMANTS, to be published by the TOWN CLERK.

The following Persons claim to have their Names inserted in the List of Persons on the Freeman's Roll for the City [*or* Town *or* Borough] of entitled to vote in the Election of a Member [*or* Members] for the said City [*or* Town *or* Borough].

Column for entering Town Clerk's Objections.	Christian Name and Surname of each Person, as in the Claim.	Date of Registration (if any) under 2 & 3 W. 4. c. 88. [*To be inserted only in the Year 1850, and the next Seven Years, except 1851.*]	Place of his Abode.

(Signed) *A. B.*,
Town Clerk of the City [*or* Town *or* Borough] of

No. 14.

NOTICE of OBJECTION.

To the Town Clerk of the City [*or* Town *or* Borough] of

I HEREBY give you Notice, That I object to the Name of being retained in the List (No.) of Persons entitled to vote in the Election of a Member [*or* Members] for the City [*or* Town *or* Borough] of

Dated this Day of

(Signed) *A.B.* of [*Place of Abode*],
on the List of Voters for the City [*or* Town *or* Borough] of

Note.—If more than One List of Voters, the Notice of Objection should specify the List to which the Objection refers; and if the List contains Two or more Persons of the same Name, the Notice should distinguish the Person intended to be objected to; and if the Person be registered under 2 & 3 *W.* 4. *c.* 88., *the Notice must so state.*

No. 15.

FORM of NOTICE of OBJECTION to be given to PARTIES objected to.

To Mr.

I HEREBY give you Notice, That I object to your Name being retained on the List (No.) of Persons entitled to vote in the Election of Members [*or* a Member] for the City [*or* Town *or* Borough] of

Dated this Day of

(Signed) *A.B.* of [*Place of Abode*],
on the List of Voters for the City [*or* Town *or* Borough] of

Note.—If more than One List of Voters, the Notice of Objection should specify the List to which the Objection refers; and if the List contains Two or more Persons of the same Name, the Notice should distinguish the Person intended to be objected to; and if the Person be registered under 2 & 3 *W.* 4. *c.* 88., *the Notice must so state.*

No. 16.

LIST, for the Year 18 , of PERSONS objected to, to be published by the TOWN CLERK.

The following Persons have been objected to as not being entitled to have their Names retained in the List of Persons qualified to vote in the Election of a Member [*or* Members] for the City [*or* Town *or* Borough] of in respect of being rated in the last Rate as Occupiers of Lands, Tenements, or Hereditaments rated separately or together at a net annual Value of Eight Pounds or upwards within the said City [*or* Town *or* Borough], or in respect of the Inhabitancy of Houses of the yearly Value of Five Pounds within the said City [*or* Town *or* Borough].

Christian Name and Surname of each Person objected to.	Place of Abode.	Nature of the supposed Qualification (if registered under 2 & 3 W. 4. c. 88. so state).	Street, Lane, or other Place in the Parish where the Property is situate, and Number of the House (if any).

(Signed) *A. B.*,
Town Clerk of the City [*or* Town *or* Borough] of

No. 17.

LIST, for the Year 18 , of PERSONS objected to, to be published by the TOWN CLERK.

The following Persons have been objected to as not being entitled to have their Names retained in the List of Persons (not being on the Freeman's Roll) qualified to vote in the Election of a Member [*or* Members] for the City [*or* Town *or* Borough] of by virtue of any Rights whatsoever (other than and except the Inhabitancy of Houses of the Value of Five Pounds, or the Occupation as rated Occupiers of Premises of the rated net annual Value of Eight Pounds or upwards).

Christian Name and Surname of each Person objected to.	Place of Abode.	Nature of the supposed Qualification (if registered under 2 & 3 W. 4. c. 88. so state).	Street, Lane, or other Place in the City [*or* Town *or* Borough] where the Property is situate, and Number of the House (if any). [When the Right depends on Property.]

(Signed) *A. B.*,
Town Clerk of the City [*or* Town *or* Borough] of

No. 18.

No. 18.

LIST, for the Year 18 , of PERSONS objected to, to be published by the TOWN CLERK.

The following Persons have been objected to as not being entitled to have their Names retained on the List of Persons on the Freeman's Roll for the City [*or* Town *or* Borough] of entitled to vote in the Election of a Member [*or* Members] for the said City [*or* Town *or* Borough].

Christian and Surname of each Person objected to.	If registered under 2 & 3 W. 4. c. 88., so state.	Place of Abode.

(Signed) *A. B.*,
Town Clerk of the said City [*or* Town *or* Borough].

SCHEDULE (C.)

No. 1.

TABLE of RATES OF PAYMENT to be demanded and paid for any List or Copy of a List (other than a Register), where a Payment is required and authorized by this Act.

For any List or Copy of a List containing any Number of Persons Names:—

	s.	d.
Not exceeding 100 Names - - -	0	6
Exceeding 100 and not exceeding 200 - -	1	0
Exceeding 200 and not exceeding 300 - -	1	6
Exceeding 300 and not exceeding 400 - -	2	0
Exceeding 400 - - - -	2	6

No. 2.

TABLE of RATES OF PAYMENT to be demanded and paid for any Copy of a Register or Part of any Register, where a Payment is required and authorized by this Act.

For every Copy of any Register or any Part of any Register containing any Number of Persons Names:—

	s.	d.
Not exceeding 1,000 Names - - -	1	0
Exceeding 1,000 and not exceeding 3,000 - -	2	6
Exceeding 3,000 and not exceeding 6,000 - -	5	0
Exceeding 6,000 and not exceeding 9,000 - -	7	6
Exceeding 9,000 - - - -	10	0

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ANNO DECIMO TERTIO & DECIMO QUARTO

VICTORIÆ REGINÆ.

***

10 & 11 Vict. c. 112.

by an Act passed in the Session of Parliament holden in the Tenth and Eleventh Years of the Reign of Her said Majesty, intituled *An Act to promote Colonization in* New Zealand, *and to authorize a Loan to the* New Zealand *Company*, after enacting that the Provisions relating to the Settlement of the Waste Lands of the Crown contained in the Thirteenth Chapter of the said Instructions, with the Exceptions therein mentioned, should be suspended and of no Force and Effect within the Province of *New Munster* in the said Colony of *New Zealand* until the Fifth Day of *July* in the Year One thousand eight hundred and fifty, and during such further Time as should be directed by Parliament, and that all the Demesne Lands of the Crown in the said Province of *New Munster*, and all the Estate and Right of Her Majesty therein, or Power and Authority over the same or any Part thereof, should from and immediately after the passing of the said Act, and during the Suspension of the said Instructions, be absolutely and entirely vested in the said *New Zealand* Company, in trust, to sell or otherwise dispose of the same as therein mentioned, and after reciting that it was expedient to provide for the Contingency of the *New Zealand* Company finding themselves unable to continue their Proceedings with Profit to themselves and Benefit to the said Colony, it was enacted, that if the Directors of the said Company should give Notice to One of Her Majesty's Principal Secretaries of State, within Three Calendar Months next after the said Fifth Day of *April* One thousand eight hundred and fifty, by any Instrument under the Seal of the Company, that they were ready to surrender the Charters of the said Company to Her Majesty, and all Claim and Title to the Lands granted or awarded to them in the said Colony, all the Powers and Privileges of the said Company (except as therein provided) should cease and determine, and all the Lands, Tenements, and Hereditaments of the said Company in the said Colony should thereupon revert to and become vested in Her Majesty as Part of the Demesne Lands of the Crown in *New Zealand*, subject nevertheless to any Contracts which should be then subsisting in regard to any of the said Lands, and upon certain other Conditions therein provided: And whereas by Letters Patent dated the Thirteenth Day of *November* in the Thirteenth Year of the Reign of Her present Majesty certain Persons therein named were constituted a Body Corporate, with perpetual Succession and a Common Seal, by the Name of "The *Canterbury* Association," for founding a Settlement in *New Zealand*, and were empowered to purchase, hold, and alienate Lands in the said Colony of *New Zealand* and its Dependencies: And whereas by an Agreement dated the First Day of *December* One thousand eight hundred and forty-nine between the said "*Canterbury* Association" and the said *New Zealand* Company the said *New Zealand* Company agreed to reserve as the

Letters Patent, dated 13th Nov. 13 Vict., constituting the Canterbury Association.

Agreement between New Zealand Company and Canterbury

the Site of the *Canterbury* Settlement therein mentioned, and to place at the sole Disposal of the said *Canterbury* Association, the Lands described in the Schedule hereto annexed, during the Term of Ten Years from the Date thereof, subject to the Payment by the said Association of such Sums of Money and the Performance of such Conditions as therein mentioned: And whereas the said Association, with a view of founding their said intended Settlement in *New Zealand*, issued a certain Document entitled "Terms of Purchase of Lands within the *Canterbury* Settlement," whereby, amongst other things, certain Benefits were reserved to certain Persons therein described as the First Body of Colonists, being such Persons as might become Purchasers of Land to an Extent not exceeding One hundred and one thousand Acres before the First Day of *July* One thousand eight hundred and fifty: And whereas the Directors of the said *New Zealand* Company have duly given Notice, in pursuance of the said Act, of their being ready to surrender the Charters of the said Company in manner prescribed by the said Act, and all the Lands, Tenements, and Hereditaments of the said Company in the said Colony including those described in the said Schedule have thereupon reverted to and become vested in Her Majesty as Part of the Demesne Lands of the Crown in *New Zealand*, subject nevertheless to any Contracts then subsisting in regard to any of the said Lands and to certain other Conditions therein mentioned: And whereas it is expedient to provide for the said Association having the Disposal of the Lands described in the said Schedule for such Time and subject to such Conditions as are herein-after mentioned: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That neither the Thirteenth Chapter of the said Instructions dated the Twenty-third Day of *December* One thousand eight hundred and forty-six, or the said additional Instructions of the Twenty-seventh Day of *January* One thousand eight hundred and forty-nine, shall henceforth apply to the Lands described in the said Schedule during the Period herein-after provided.

Association, dated 1st Dec. 1849.

Neither the 13th Chapter of Instructions of 23d Dec. 1846 nor additional Instructions of 27th Jan. 1849 to apply to Lands described in Schedule.

II. And be it enacted, That during the Term of Ten Years, and such further Term of Years as One of Her Majesty's Principal Secretaries of State may, by Writing under his Hand, declare, as herein-after provided, the said Association shall have Power, by Instrument under their Common Seal, to dispose of and convey all or any Part of the Lands described in the said Schedule, either by way of absolute Sale to Purchasers for Estates in Fee Simple, or by granting Licences for the Pasturage of the same, but subject to the Conditions following, and

Power for Association absolutely to dispose of Lands described in Schedule during the Term of Ten Years, &c.

Subject to Conditions; viz.

and to the Terms of Purchase now or at any Time existing respecting the same as herein-after mentioned:

That, with Exception of Land selected for Site of the Capital, all Lands to be Rural Lands.

1. That, with the Exception of such Land as has already been or may hereafter be selected by the Agent of the Association for the Site of the Capital Town, and of Harbour and Port Towns, and of such Land as may be reserved by the Association for Works of public Utility under the Terms of Purchase herein-before mentioned, all the Lands shall be open for Purchase as Rural Land.

Extent of Allotments.

2. That the Extent of a rural Allotment shall be not less than Fifty Acres, and the Extent of a Town Allotment in the Capital Town shall be One Half Acre, and in other Towns One Quarter of an Acre.

Price of Land.

3. That the Land shall be sold at not less than the following Sums; that is to say, Rural Land at not less than Three Pounds *per* Acre, including the Sums contributed for special Purposes; an Half Acre Allotment in the Capital at not less than Twenty-four Pounds, and a Quarter Acre of Allotment in other Towns at not less than Twelve Pounds including such Sums as aforesaid.

Land unsold to be open under Licence for Pasturage.

4. That all Land for the Time being remaining unsold shall be open, under Licence, for Pasturage Purposes, at the Rate of Twenty Shillings *per Annum* for every Hundred Acres.

One Sixth of the whole Produce of Sales, &c. to be paid to Her Majesty.

5. That One Sixth Part of the whole Produce of such Sales, and of the Sums received for Licences for Pasturage, be paid by the said Association to Her Majesty, Her Heirs and Successors, such Payments to be made at such Times and to such Persons as One of Her Majesty's Principal Secretaries of State shall by Writing under his Hand determine, (saving nevertheless all such Rights as the *New Zealand* Company may possess, as herein-after mentioned, under the said recited Act of the Tenth and Eleventh Years of Her Majesty's Reign, to any Payments out of Sales of Demesne Land of the Crown in *New Zealand*,) and the Receipt of any One of Her Majesty's Principal Secretaries of State shall be a complete Discharge to the said Association for the Monies paid to him.

Saving certain Rights of New Zealand Company.

Amount of Land to be sold by the Association.

6. That during the said Term of Ten Years, or further extended Term as aforesaid, the said Association shall make Sale of Land in the said Settlement to the Value in each Year from the First Day of *March* One thousand eight hundred and fifty of such Sum as, taken together with all Sums paid previously thereto, shall yield an average yearly Sum of not less than Fifty thousand Pounds, until the whole of the said Tract be sold, or the said Period of Ten Years, or such extended Term as aforesaid, expire.

III. And

III. And be it enacted, That for the more convenient carrying on of their Business in the said Settlement it shall be lawful for the said Association during the Continuance of such Term, or extended Term as aforesaid, by any Deed or Instrument in Writing under their Common Seal, from Time to Time to constitute and appoint any Persons to be while actually within the said Settlement, and for such Period, if any, as the said Association may think fit, the Attornies of the said Association, to make and execute in the Name and on the Behalf of the said Association any such Conveyances, Deeds, or Instruments as the said Association are empowered to make and execute of any of the Lands of the said Settlement, and over and in respect of which the said Association may at any Time have any disposing or other Power or Authority whatsoever, subject to the Provisions of this Act, and from Time to Time as Occasion may require, and as to the said Association may seem meet, but not otherwise, and further to revoke any such Deed or Instrument if the said Association think expedient, and to make any other Deed or Instrument in lieu thereof, all which Conveyances, Deeds, and Instruments whatsoever to be made and executed by such Attornies shall be under the Signature of such Attornies, and under such Duplicate Seal as herein-after mentioned.

Power to Association to appoint Attornies.

IV. And be it enacted, That the said Association shall and may have their Common Seal executed in Duplicate, with Power to alter, vary, break, and renew such Duplicate, and that it shall be lawful for the said Association to commit the same to the Custody of the Attornies for the Time being constituted and appointed as aforesaid for the Purpose of making and executing all such Conveyances, Deeds, and Instruments whatsoever; and every Conveyance, Deed, and Instrument made and executed by such Attornies shall be as valid and effectual in Law to all Intents and Purposes whatsoever as if the same had been duly made and executed by the said Association, without the Intervention of such Attornies.

Association to have a Seal in Duplicate, and may commit the same to such Attornies.

Deeds executed by Attornies to be valid as if executed by the Association.

V. And be it enacted, That all Conveyances, Deeds, and Instruments whatsoever, signed or purporting to be signed by such Attornies as aforesaid, and under the Seal for the Time being committed to such Attornies, shall be *primâ facie* Evidence, not only of the Appointment and Continuance in Office of such Attornies, but also of their Signatures thereto, and the due sealing thereof with the Seal committed to such Attornies, and that it shall be the Duty of all Courts of Justice, Justices and others, as well within as without any of Her Majesty's Colonies, to receive the same as such *primâ facie* Evidence.

Conveyances, &c. duly signed and sealed primâ facie Evidence of due Execution.

Not less than Two Attornies to be appointed.

VI. Provided nevertheless, and be it enacted, That not less than Two Persons shall be constituted and appointed such Attornies as aforesaid by any Deed or Instrument in Writing as aforesaid, and that if in any Deed or Instrument more than Two Persons are appointed, any Two of the Persons so appointed, whether they alone of the Persons so appointed shall have accepted or shall continue in Office or not, shall, unless the contrary be provided by such Deed or Instrument, be as fully competent to act in all respects as the whole Body of Persons thereby appointed.

Application of remaining Five Sixths of Purchase Money, notwithstanding anything in recited Act 10 & 11 Vict. c. 112.

VII. And whereas in the said recited Act of the Tenth and Eleventh of *Victoria* it was enacted, that upon such Reversion to Her Majesty of the Lands belonging to the said Company as aforesaid, amongst other things, there should be charged upon and paid to the *New Zealand* Company out of the Proceeds of all future Sales of the Demesne Lands of the Crown in *New Zealand*, after certain Deductions, a Sum of Money, with Interest thereon, as therein mentioned; now be it enacted, That, notwithstanding anything in the said Act contained, the remaining Five Sixth Parts of the whole Produce of such Sales and Licences as aforesaid shall be retained by the said Association, and no Part thereof shall be available to the Purposes in the said Act mentioned, but the whole thereof shall be subject to the Provisions contained in the said Agreement of the First Day of *December* One thousand eight hundred and forty-nine, and in the Terms of Purchase now existing, or in such Terms of Purchase as may at any Time be made as herein-after provided.

If Association neglect to perform Conditions aforesaid, Power of Disposition over the Lands to cease if One of Her Majesty's Secretaries of State so declare.

VIII. And be it enacted, That if the said Association should at any Time during the said Term of Ten Years, or such extended Term as aforesaid, omit or neglect to observe or perform any of the Conditions aforesaid, One of Her Majesty's Principal Secretaries of State may, if he shall think fit, by Writing under his Hand declare that the Power of Disposition over the Lands in the said Schedule hereby given to them has determined; but no Purchaser or Licensee shall be bound to inquire as to the Fulfilment of any of the said Conditions, or the Regularity of any Sale made or Licence granted by the said Association, and all Sales made and Licences granted by the said Association shall, so far as the Safety of Purchasers or Licensees is concerned, be deemed to be within the aforesaid Power.

Power in Association to make Terms of Purchases, to be approved by One of Her Ma-

IX. And be it enacted, That during the said Term of Ten Years, or such extended Term as aforesaid, the said Association shall have Power and Authority from Time to Time to make and issue Terms of Purchase and Licence of Lands within the said Settlement, and at any Time to alter, vary, or modify the same, or to re-make and

re-issue

re-issue such Terms: Provided always, that any such Terms of Purchase and Licence shall not be repugnant to the Provisions of this Act; and provided also, that the same be approved by One of Her Majesty's Principal Secretaries of State.

jesty's Secretaries of State.

X. And be it enacted, That One of Her Majesty's Principal Secretaries of State may, on the Application of the said Association made under their Common Seal at any Time during the said Ten Years, by Writing under his Hand as aforesaid, extend the said Term of Ten Years for such further Time as he in his Discretion may think fit.

Power for Her Majesty's Secretary of State to extend Term of Ten Years.

XI. And be it enacted, That nothing herein contained shall prejudice the Rights of the said First Colonists under the Terms of Purchase first herein-before mentioned, or of any Person or Persons entitled or claiming to be entitled to any of the Lands described in the said Schedule by virtue of any Deed or Contract made or entered into previously to the passing of this Act.

Reserving Rights of First Colonists.

XII. And be it enacted, That at the Expiration or sooner Determination of the said Term of Ten Years, or such extended Term as aforesaid, all Lands (if any) comprised in the said Schedule hereto, then remaining undisposed of by the said Association, shall be at the Disposal of Her Majesty in the same Manner as other Demesne Lands of the Crown in *New Zealand.*

On Expiration of Term Lands in Schedule remaining unsold to revert to Her Majesty.

XIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

Act may be amended, &c.

The

The SCHEDULE to which this Act refers.

All that Tract of waste and unappropriated Land, formerly in the Possession of the New Zealand Company, situated in the Middle Island of New Zealand, being bounded by the Snowy Range of Hills from Double Corner to the River Ashburton, by the River Ashburton from the Snowy Hills to the Sea, and by the Sea from the Mouth of the River Ashburton to Double Corner, and estimated to contain 2,500,000 Acres, more or less, with the Exception of certain Buildings, and the Land marked out as appurtenant thereto, situate on Banks's Peninsula, and purchased by the said New Zealand Company from the Nanto Bordelase Company, and with the Exception also of certain Property acquired by Purchase and Exchange with Mr. De Belligny, such Lands so excepted being reserved to Her Majesty, Her Heirs and Successors.

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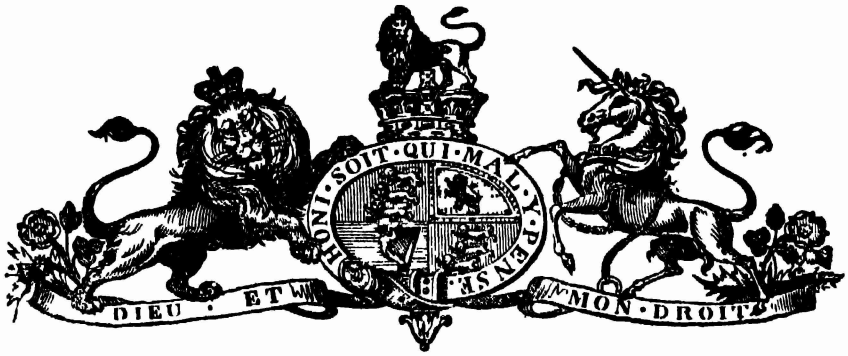

ANNO DECIMO TERTIO & DECIMO QUARTO

VICTORIÆ REGINÆ.

***

Recited Act continued till 1st Sept. 1851.

assembled, and by the Authority of the same, That the said Act shall continue and be in force until the First Day of *September* One thousand eight hundred and fifty-one, and, if Parliament be then sitting, then further until the End of the then Session of Parliament.

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VICTORIÆ REGINÆ.

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" Year when such Deed, Conveyance, or Will bears Date and was " perfected, and the Names and Additions of all the Parties to such " Deed or Conveyance, and of the Devisor or Testatrix of such Will, " and of all the Witnesses to such Deed, Conveyance, or Will, and " shall express or mention the Honors, Manors, Lands, Tenements, " or Hereditaments contained in such Deed, Conveyance, or Will, " and the Names of all the Counties, Baronies, Cities, Towns Cor- " porate, Parishes, Townships, Hamlets, Villages, and Precincts " within this Kingdom where any such Honors, Manors, Lands, " Tenements, or Hereditaments are lying and being that are given, " granted, conveyed, devised, or any way affected or charged by any " Deed, Conveyance, or Will, in such Manner as the same are " expressed or mentioned in such Deed, Conveyance, or Will, or to " the same Effect, and that the Registrar shall keep an alphabetical " Calendar of all Counties, Baronies, Cities, Towns Corporate, " Parishes, and Townships within this Realm, with Reference to the " Number of every Memorial that concerns the Honors, Manors, " Lands, Tenements, or Hereditaments in every such County, Barony, " City, Town Corporate, Parish, or Township respectively, and " of the Names of the Parties mentioned in such Memorial:" And whereas by an Act passed in the Third Year of King *William* the Fourth, intituled *An Act to regulate the Office for registering Deeds, Conveyances, and Wills in* Ireland, it is enacted, " That in " every Memorial of any Deed or Instrument dated after the Thirty- " first Day of *December* One thousand eight hundred and thirty-two, " brought into the said Office to be registered, there shall be specified " the County and Barony, or the Town or County of a City, and " Parish, or the Town and Parish, in which the Lands and every of " them to be affected by registering such Memorial are by such Deed " or Instrument stated to be situated, and where the Lands lie in Two " or more Counties or Baronies or Parishes, or Streets, or partly in " one Barony, Parish, or Street, and partly in another, the same shall " be distinctly stated in the Memorial from the Deed, and that where " the Instrument to which the Memorial relates shall contain a Plan of " the Lands or of any Part thereof, there may, if it be the Pleasure of " the Party requiring the Registration of the Memorial, be inserted in " or be annexed on Parchment, to the Memorial of such Instrument to " be registered, a Copy of such Plan," and by the said last-mentioned Act an alphabetical Index of the Names of Persons affected by Memorials, to be called the "Index of Names," is required to be made, and kept in the Manner and Form specified in such Act, and it is enacted, " that there shall be provided in the said Office a " Series of Parchment Books, to be called the " Index of Lands," and " One Book of such Series shall be appropriated to each County, and " One to each City being a County of itself, and One Book to every

2 & 3 W. 4. c. 87. s. 29.

" such Number of Towns, being Counties of themselves, as heretofore " it has been customary to index together, and One Book to every such " Number of other Towns as heretofore it has been customary to index " apart from the Counties in which they are situated, and every " Book appropriated to a City, being a County of itself, or to a Num- " ber of Towns, shall be divided into Parishes or Streets, and each " such Book for Counties shall contain separate Divisions under the " Heads of Baronies, and for Cities or Towns under the Heads of " Parishes or Streets, arranged alphabetically, with alphabetical Sub- " divisions for Denomination of Lands, into which Books there shall " be entered, by the Initial Letter of each Name, the Names of all " Lands, Tenements, and Hereditaments specified in every Memorial " registered in the Office, and to the Name of the Land, Tenement, or " Hereditament there shall be subjoined the Name of the Parish or the " Place respectively in which the same shall be described to be situated, " and also the Year of Registry, and the Page of the Day Book, and " the Number and Volume respectively of the Abstract and Transcript " Books, and the Number and File of the Memorial relating thereto; " and opposite to every such Entry of Lands there shall also be entered " the Surname and Christian Name of the Grantor, and also the Sur- " name and Christian Name of the Grantee; but where there shall be " more than One Grantor the Name of the first Grantor only shall be " so entered, with the Word 'another' or 'others;' and where more " than One Grantee, in like Manner the Name of the first Grantee " only, with the Word 'other' or 'others:'" And whereas by an Act passed in the Twelfth Year of Her Majesty, intituled *An Act to facilitate the Transfer of Landed Property in* Ireland, it is enacted, 11 & 12 Vict. c. 120. " That it shall be lawful for the Commissioners of Her Majesty's " Treasury, or any Three of them, for the Time being, by an Order " under their Hands, from Time to Time to make any Alterations " in the Forms of the Indexes of Names and Lands directed by the " said Act of the Third Year of King *William* the Fourth to be made, " and from the Time of making any such Order, or from any Time " to be specified therein, the said Indexes shall be made and kept in " such Manner and Form as the said Commissioners of Her Majesty's " Treasury, or any Three of them, shall in such Order specify and " direct; and it shall and may be lawful for the said Commissioners " of Her Majesty's Treasury, or any Three of them, in like Manner " to vary or rescind any such Order as aforesaid:" And whereas, for the Purpose of the more convenient registering of Instruments affecting Lands in *Ireland*, it is expedient that Indexes should be formed with Reference to the General Survey of *Ireland* made under the Direction of the Master General and Board of Ordnance, and that the said Acts should be amended: Be it enacted, therefore, by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords

Ordnance Maps to be adapted and used for the Purposes of this Act.

Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for the Commissioners of Her Majesty's Treasury to authorize and direct the Maps made and published and to be made and published under the Direction of the Master General and Board of Ordnance, or any altered or enlarged Maps (founded upon the Survey and revised Survey of *Ireland*) which may be made under the Direction of the said Master General and Board, and approved by the said Commissioners, to be used for the Purposes of this Act; and the said Commissioners, where they think fit, may cause Copies or Reprints of all or any of the Maps published under the Authority of the said Master General and Board, with any Additions to or Variations in the Matters marked on the said Maps which the said Commissioners may deem convenient for the Purposes of this Act, to be made, under the Direction of the said Master General and Board, and may, where they think fit, cause Maps on any enlarged Scale or Scales of any Cities, Towns, Parts, or Places in *Ireland* to be made, under the like Direction; and Copies of the Maps which the said Commissioners shall direct to be used for the Purposes of this Act shall be deposited in the said Register Office, and such Maps shall be published, and Copies thereof shall be sold, as the said Commissioners shall direct.

Land Indexes to be made, having References to the Maps.

II. And be it enacted, That it shall be lawful for the Commissioners of Her Majesty's Treasury to authorize and direct to be made for each County and City being a County of itself, and for each Town which it may seem to the said Commissioners expedient to index apart from the County in which it is situate, a Land Index, in such Form as they shall approve, so as to show in every such Index appropriated to a County the Baronies, Townlands, Denominations, and Subdenominations and other Divisions of Land within such County, and in each Index appropriated to a City or Town the Parishes and Streets, Denominations, and Divisions of Land within such City or Town, having References in every such Index from the several Townlands, Denominations, Subdenominations, Streets, and Divisions to the Maps to be used for the Purposes of this Act; and it shall be lawful for the said Commissioners to cause to be inserted in such respective Land Indexes or to give Directions for the Insertion therein from Time to Time of the Names or short Descriptions of the Manors and incorporeal Hereditaments which cannot be conveniently indexed with reference to Maps within the respective Baronies, Parishes, and other Divisions of Land in every such County, City, and Town respectively, and every such Land Index shall be deposited in the said Register Office, and shall be a Land Index to be used for the Purposes of this Act.

III. And

III. And be it enacted, That when the Maps and Land Indexes to be used for the Purposes of this Act have been completed it shall be lawful for the Commissioners of Her Majesty's Treasury to cause to be published in the *Dublin Gazette* Notice of a Time, not earlier than Three Calendar Months from the Time of the Publication of such Notice, when Registration under the Provisions of this Act shall commence, and the Time mentioned in such Notice shall be the Commencement of Registration under this Act.

Commissioners of the Treasury to give Notice of Commencement of Registration under this Act.

IV. And be it enacted, That (except in the Cases herein-after expressly provided for) no Memorial of any Assurance executed after the Commencement of Registration under this Act by which any Lands in *Ireland* may be affected at Law or in Equity shall be registered in the said Register Office; and every such Assurance may be registered in the said Register Office by the Deposit of the original Document, or (where there are duplicate original Documents) of One of the duplicate original Documents, in the said Register Office, and by an Entry or Entries being made in the proper Index or Indexes to be kept in the said Register Office under the Provisions of this Act; and this Enactment shall extend to any Conveyance, Deed, Grant, Lease, or other Instrument which by any Act of Parliament now in force is exempted from Registration, except such Leases as are so exempted by the said Act of the Sixth Year of Queen *Anne*; and the several Documents to be deposited in the said Register Office as aforesaid shall from Time to Time be made up into Books or Parcels, and numbered.

No Memorial of Assurances to be registered; but all such Assurances may be registered by depositing an Original, and making the proper Entries.

The Documents deposited to be made up into Books or Parcels, and numbered.

V. And be it enacted, That there shall be provided and kept in the said Register Office, in addition to the Land Indexes herein-before mentioned, One Index for all *Ireland*, to be intituled "The Index of Titles;" and all Assurances to be registered under this Act (except Wills and such other Assurances as are herein-after directed to be otherwise indexed) shall be indexed in the said Index of Titles under Heads to be respectively designated by Numbers in the Manner and according to the Regulations herein-after mentioned; (that is to say,)

An Index, to be called "The Index of Titles," to be kept for all Ireland; and Assurances to be indexed in such Index, under Heads designated by Numbers.

First.—Where the Grantor in the Assurance to be registered does not derive Title under an Assurance which has been indexed in the Index of Titles, the Assurance to be registered shall be indexed by making an Entry thereof under a new Head in such Index; and where the Assurance to be registered is a Conveyance or Assignment by the Commissioners for Sale of Incumbered Estates in *Ireland*, then, notwithstanding any previous Assurance affecting the Lands comprised in such Conveyance

1. Where the Grantor does not derive Title under any registered Assurance, the Assurance is to be indexed under a new Head.

veyance or Assignment may have been so indexed, such Commissioners shall not be deemed to derive Title under any such Assurance; and every such Conveyance or Assignment shall be indexed by making an Entry thereof under a new Head in such Index of Titles.

2. Where the Grantor does derive Title under a registered Assurance, the Assurance is to be indexed under the same Head as the Assurance under which Title is derived.

Second.—Where the Grantor in the Assurance to be registered derives Title, either immediately or derivatively, under an Assurance which has been indexed in the Index of Titles, the Assurance to be registered shall be indexed by making an Entry thereof under the same Head as the Assurance under which such Title is derived; and if the Title be derived under several successive Assurances, which (by virtue of any Regulation herein-after contained) have been indexed under different Heads in the Index of Titles, the Assurance to be registered shall be indexed by making the Entry under the same Head as such One of the said successive Assurances as has been last executed.

3. Power enabling an Assurance required by Regulation 2. to be indexed under an existing Head to be indexed under a new Head.

Third.—Where by the Second Regulation an Assurance is required to be indexed under an existing Head, the Person requiring the Registration may direct the Assurance, instead of being indexed under such existing Head, to be indexed under a new Head, and the Assurance shall be indexed accordingly; and a Reference shall be made under such existing Head to the Head under which the Assurance shall be indexed under this Regulation.

4. No Assurance to be indexed under more than One Head.

Fourth.—Where, by the Effect of the First and Second Regulations, an Assurance would be required to be indexed in the Index of Titles in respect of different Lands or different Interests in Lands under any Two or more Heads, the same shall be indexed under such One only of the said Heads (whether an existing Head or a new Head) as the Person requiring the Registration of the Assurance shall by any Writing direct, or in default of any such Direction, as the Officer by whom the Assurance is indexed shall think fit; and in case any other of such Heads be an existing Head, a Reference shall be made under every such other existing Head to the Head under which the Assurance shall be indexed; and in any such Case as is provided for by this Regulation the Power given by the Third Regulation is not to be exercised so as to occasion the Assurance to be indexed under more than One Head.

5. Particulars to be expressed on indexing an Assurance.

Fifth.—Where by any of the preceding Regulations an Entry is directed to be made in the Index of Titles, the Entry shall express the Year and the Day of the Month when the same is made, and the Book or Parcel in which the Document deposited

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at the said Register Office is made up, and the Number of such Document in such Book or Parcel; and such other Particulars as under any Regulations to be made as herein-after mentioned shall be directed.

Sixth.—Where Lands are conveyed or otherwise assured to any Person or Persons in trust to be sold, or otherwise converted into Money, for the Purpose only of securing the Payment of any Sum of Money, or the Transfer or Assignment of any Parliamentary or other Stocks, Funds, or Securities, and are redeemable before the Sale and Disposal thereof, either by express Stipulation or otherwise, and in every other Case where an Assurance of Lands is intended only as a Security for the Payment of any Sum or Sums of Money, whether annual, or in gross, or otherwise to be payable, or as a Security for the Transfer or Assignment of any Parliamentary or other Stocks, Funds, or Securities, any Person entitled to the Right or Equity of Redemption or Reversion in such Lands or to any Interest therein, or entitled to such Lands or any Interest therein subject to the Security so made by such Assurance as aforesaid, shall not for the Purposes of the preceding Regulations be considered to have derived his Title to such Right or Equity of Redemption or Reversion or such Interest therein, or his Title to such Lands or such Interest therein subject as aforesaid, through or under the Assurance by which such Mortgage or other Security has been made; and such Assurance shall for such Purposes, and as to such Person entitled as aforesaid, be considered not to have been made or executed.

6. The Grantor of an Equity of Redemption is not to be considered as deriving his Title under the Mortgage Deed.

VI. And be it enacted, That where an Entry of an Assurance is made under a new Head in the Index of Titles an Entry shall be made in the Land Index for the County, or County of a City or Town, in which the Land or Hereditament affected by such Assurance is situate, opposite to the Name or Number of every Townland, Denomination, and Subdenomination or other Division of Land, or the Name or Description of the Hereditament affected by the Assurance entered under such new Head, which Entry in the Land Index shall contain a Reference to such new Head in the Index of Titles; and where an Entry is made under any existing Head in the Index of Titles of an Assurance affecting any Townland, Denomination, or Subdenomination or other Division of Land, or any Hereditament, opposite to the Name, Number, or Description of which in the Land Index no Reference to such existing Head in the Index of Titles has been previously made, an Entry shall be made in the Land Index opposite to the Name, Number, or Description of such Townland, Denomination, Subdenomination, Division, or Hereditament, which Entry

Entries to be made in "Land Index" containing References to the Entries in the "Index of Titles."

Entry shall contain a Reference to such existing Head in the Index of Titles; and where any Manor or other incorporeal Hereditament opposite to the Name or Description of which in the Land Index an Entry is required to be made under this Enactment is not already shown in such Index, the Name or Description of such Manor or Hereditament shall, at the Time when such Entry as last aforesaid is required to be made, be entered in the Land Index for the County, or County of a City or Town, in which the same is situate, and when so entered such Entry as is required as aforesaid to be made in such Land Index opposite to the Name or Description of such Manor or Hereditament shall be made.

Decrees in Equity creating, declaring, transferring, foreclosing, or determining Interests in Land, and also Decrees in Equity by which any such Decree shall be varied or reversed, and Orders of Exchange, Partition, or Division and Allotment made by Incumbered Estates Commissioners, are to be considered Assurances.

VII. And be it enacted, That every Decree or Order of any Court of Equity made after the Commencement of Registration under this Act, by which any Estate or Interest in any Lands in *Ireland* is created, declared, transferred, foreclosed, or determined, and also every Decree or Order of any Court of Equity made after such Commencement by which any such Decree or Order as aforesaid is varied or reversed, shall for the Purposes of this Act be considered an Assurance affecting such Lands, and in every such Case the Document to be deposited shall be a Memorial of the Decree or Order, which Memorial shall express the Date of the Decree or Order, and the Title of the Cause wherein the same purports to be made, and shall also express the Decree or Order, or so much thereof as relates to the Estate or Interest created, declared, transferred, foreclosed, or determined by the Decree or Order to be registered, or by the Decree or Order which is varied or reversed by the Decree or Order to be registered (as the Case may be); and every such Memorial as aforesaid shall, previously to the same being deposited in the said Register Office, be examined with the Decree or Order by some Officer authorized to give out an Office Copy of such Decree or Order, and shall be certified by the Signature of such Officer; and every such Officer is hereby required to examine any such Memorial, and certify the same by his Signature, at the Request of any Person, upon being paid the Sum of Two Shillings and Sixpence; and every Order of Exchange, or of Partition, or of Division and Allotment, made after the Commencement of Registration under this Act by the Commissioners for Sale of Incumbered Estates in *Ireland*, shall, for the Purposes of this Act, be considered an Assurance affecting the Lands to which such Order may relate, and in every such Case the Document to be deposited shall be such Order or a Copy thereof under the Seal of such Commissioners; and every Civil Bill Decree made after the Commencement of Registration under this Act which, under an Act of the Fifty-sixth Year of King *George* the Third, intituled *An Act to amend the Law of* Ireland *respecting the Recovery of Tenements*

Civil Bill Decrees under 56 G. 3. c. 88. may be registered.

ments from absconding, over-holding, and defaulting Tenants, and for the Protection of the Tenant from undue Distress, is authorized to be registered in the said Office, shall, for the Purposes of this Act, be deemed an Assurance affecting the Lands of which the Possession is thereby decreed, and the Registration thereof under this Act shall give the like Effect to such Decree as would have been given by the Registry thereof in the said Office if this Act had not been passed, and in the Case of every such Decree the Document to be deposited shall be such Memorial as may now be lodged for the Purpose of the Registry of a like Decree.

Every private Act of Parliament affecting Lands to be an Assurance.

VIII. And be it enacted, That every private Act of Parliament to be passed after the Commencement of Registration under this Act by which any Lands in *Ireland* are affected shall for the Purposes of this Act be considered an Assurance affecting such Lands, and the Document to be deposited in the Case of any such Act as aforesaid shall be a Copy of the Act printed by Her Majesty's Printers, or if the Act be not so printed, then an examined Copy of the same.

Affidavit of Ownership made under 13 & 14 Vict. c 29. to be an Assurance.

IX. And be it enacted, That every Affidavit made and filed by any Creditor under any Judgment, Decree, Order, or Rule under an Act of the present Session of Parliament, "to amend the Laws concerning Judgments in *Ireland*," which shall be made after the Commencement of Registration under this Act, shall for the Purposes of this Act be considered an Assurance affecting the Lands mentioned in such Affidavit, and the Document to be deposited shall be an Office Copy of such Affidavit, and the Debtor under such Judgment, Decree, Order, or Rule shall for the Purposes of this Act be deemed the Grantor in such Assurance.

Where by a public Act any Lands are vested upon the Payment of Money, &c., a Memorandum of the Payment or other Act may be registered.

X. And be it enacted, That in every Case where the Provisions of any Act of Parliament, passed or to be passed, have the Effect of vesting Lands or any Estate or Interest in Lands in *Ireland* in any Person by or upon the Payment of Money, or by or upon any other Act, (other than any Assurance herein-before authorized to be registered,) and such Lands, Estate, or Interest become so vested by or upon any such Payment or other Act made or done after the Commencement of Registration under this Act, any Person claiming under or by virtue of the vesting of such Lands, Estate, or Interest as aforesaid may register a Memorandum containing a Reference to such Act of Parliament, and a Description of the Lands, and expressing the Payment or other Act by or upon which such Lands, Estate, or Interest shall have so vested as aforesaid, and in every such Case the Memorandum to be so registered shall for the Purposes of this Act be considered an Assurance affecting the Lands: Provided always, that nothing in this Enactment contained shall be deemed to apply

This Clause not to extend to the vesting

or

of the Estate of a Bankrupt or Insolvent.

or have reference to the vesting of the Estate of a Bankrupt or Insolvent in the Assignee or Assignees or Trustee of such Bankrupt or Insolvent.

Equitable Mortgage by Deposit of Deeds may be registered by depositing a Memorandum.

XI. And be it enacted, That any Person claiming any Interest under any equitable Mortgage affecting any Lands in *Ireland* made by Deposit of Title Deeds after the Commencement of Registration under this Act may register a Memorandum containing a Description of the Lands and the Names of the Persons by and with whom respectively the Title Deeds are deposited, and expressing the Principal Sum of Money secured by such equitable Mortgage, or, in case the total Amount of the Principal Money secured or to be ultimately recoverable upon such equitable Mortgage shall be limited not to exceed a given Sum, the total Amount of such Money, or in case the Money secured by such equitable Mortgage shall be without any Limit, that the Money secured by such equitable Mortgage is unlimited; and in every such Case the Memorandum to be so registered shall for the Purposes of this Act be considered an Assurance affecting such Lands.

Liens by reason of Nonpayment of Purchase Money may be registered by depositing a Memorandum.

XII. And be it enacted, That where, by reason of the Nonpayment of Purchase Money, a Vendor has, after the Commencement of Registration under this Act, acquired a Lien for such Purchase Money on any Lands in *Ireland*, any Person claiming an Interest in such Lien may register a Memorandum containing such Particulars of the Conveyance by the Vendor as are sufficient to identify the same, and also containing a Description of the Lands, and expressing the Amount of the Money for which a Lien is claimed; and in every such Case the Memorandum to be so registered shall for the Purposes of this Act be considered an Assurance affecting such Lands.

The Assurance to be considered to have been made by the Person whose Right, &c. in the Lands shall be bound by the Decree, &c.

XIII. And be it enacted, That in the several Cases provided for by the Six immediately preceding Sections, the Assurance to be registered shall for the Purposes of this Act be considered to have been made by the Person whose Right or Interest in the Lands shall be bound or affected by the Decree or Order, the private Act of Parliament, the vesting of the Lands, Estate, or Interest, the equitable Mortgage or the Lien (as the Case may be); and the same Entry or Entries shall be made on registering such Assurance as would have been required under the Provisions herein-before contained for regulating the Entries on registering Assurances, if the Lands to be affected by the Decree or Order, the private Act of Parliament, the vesting of the Lands, Estate or Interest, the equitable Mortgage or the Lien (as the Case may be), had been so affected by the Grant or Conveyance of such Person; and in the several Cases provided for by the Three immediately preceding Sections, every Person

claiming

claiming or deriving any Right or Title under or by virtue of the vesting of the Lands, Estate, or Interest, the equitable Mortgage or the Lien (as the Case may be), shall for the Purposes of this Act be considered to claim or derive such Right or Title under the Assurance which by virtue of the Section applicable to the Case shall have been so registered as aforesaid.

Registration of Wills.

XIV. And be it enacted, That any Will by which any Lands in *Ireland* may be affected at Law or in Equity, where the Testator dies after the Commencement of Registration under this Act, may be registered in the said Register Office by the Deposit of the original Will or (where there are duplicate original Wills) of one of the duplicate original Wills in the said Register Office; or if such Will be proved, or Letters of Administration with such Will annexed be granted, in any Court in *Ireland* having Jurisdiction for the Probate of Wills, and such Will be deposited in such Court, the same may be registered in the said Register Office by the Deposit in such Office of a Memorial of such Will, containing such Particulars as are now by Law required in the Case of a Will registered in the said Register Office, and also mentioning the Court in which and the Time when such Will was proved or such Letters of Administration granted, or by the Deposit in the said Register Office of an Office or authenticated Copy of the Will duly certified by the Registrar or other chief Officer of the Court in which such Will was proved or such Letters of Administration granted; or if such Will be proved or Letters of Administration with such Will annexed be granted in any Court having Jurisdiction for the Probate of Wills in *England*, or elsewhere out of *Ireland*, or be by any Law for the Time being in force in the United Kingdom or elsewhere required to be filed or deposited or kept in any Office or Place out of *Ireland*, in respect of Property affected thereby, such Will may be registered in the said Register Office by the Deposit in such Office of a Copy of the same; provided, that where there is any Officer authorized to give out an Office or authenticated Copy from the Office or Place of Deposit of such Will, the Copy to be deposited in the said Register Office shall be an Office or authenticated Copy duly certified by such Officer; and the Wills and Memorials and Copies of Wills to be deposited in the said Register Office as aforesaid shall from Time to Time be made up into Books or Parcels separately from other Documents deposited in the said Office under this Act, and numbered.

Letters of Administration or Affidavit of Intestacy may be registered.

XV. And be it enacted, That Letters of Administration without a Will annexed, granted in respect of the Estate and Effects of any Person dying after the Commencement of Registration under this Act, may be registered in the said Register Office by the Deposit in such Office of an Office Extract of such Letters, and any Person who

who claims any Estate or Interest in Land in *Ireland* as Heir or otherwise which might have been defeated or affected by the Will of any Person dying after the Commencement of Registration under this Act, and believes such Person to have died intestate or intestate as to such Land, may make and register an Affidavit, stating that the Deponent claims such Estate or Interest, and stating the Time of the Death of such deceased Person, and that the Deponent believes that such deceased Person died without a Will, or without any Will other than any Will in such Affidavit mentioned; and such Affidavit shall be sworn before the Registrar or an Assistant Registrar of the said Register Office, or One of the Judges of Her Majesty's Superior Courts of Law in *Ireland* or at *Westminster*, or Two of Her Majesty's Justices of the Peace, and shall be deposited in the said Register Office; and all such Office Extracts of Letters of Administration, and all such Affidavits as aforesaid, shall be made up in the same Books or Parcels as Wills registered in the said Register Office, and shall be numbered in like Manner as if the same were Wills.

An Index, to be called "The Index to Wills and Administrations," to be kept for Ireland; and where a Will, Letters of Administration, or Affidavit is registered, an Entry of the Testator's or Intestate's Name to be made in such Index, and also an Entry of the Will, Letters, or Affidavit.

XVI. And be it enacted, That there shall be provided and kept in the said Register Office for the whole of *Ireland* an alphabetical Index, to be intituled "The Index to Wills and Administrations;" and where any Will, Letters of Administration, or Affidavit of Intestacy is or are registered under this Act, an Entry of the Name of the Testator or Intestate, with his Addition, if any, as set forth in the Will, Letters of Administration, or Affidavit, shall be made in the said Index to Wills and Administrations; and opposite to the Name of every Testator or Intestate whose Name is so entered an Entry shall be made, expressing the Year and Day of the Month when such Entry is made, and the Nature of the Document deposited, and the Book or Parcel in which the Will or Memorial or Copy or Office Extract of Letters of Administration or Affidavit is made up, and the Number thereof in such Book or Parcel, and no Will or Letters of Administration, nor any such Affidavit as aforesaid, shall be deemed duly registered under this Act unless and until such Entries shall be duly made.

Where the Original is lost, a Copy or Extract may be deposited.

XVII. And be it enacted, That where the original Document or (if there be Duplicates) the several original Documents are destroyed or lost, a Copy of or (in Cases where no Copy is known to exist) an Extract from the original Document, or of or from any One of the duplicate original Documents, may, on registering the Assurance, be deposited in the said Register Office in lieu of an original Document, and thereupon the Registration of the Assurance shall (so far as respects depositing a Document) be as valid and effectual as if an original Document had been deposited in the said Register Office; provided always, that in every such Case an Affidavit

Affidavit of the Destruction or Loss of the original Document or (if there have been duplicate Originals) of the Destruction or Loss of the several original Documents, and (where an Extract only is deposited) of the Nonexistence, to the best of the Deponent's Belief, of any Copy of the original Document or of any one of the original Documents (as the Case may be), shall be brought or sent to the said Register Office with the Instrument which is brought or sent for the Purpose of being deposited as aforesaid, and shall be deposited together with the same in the said Register Office; and every such Affidavit as aforesaid shall be sworn before and signed by the Registrar or an Assistant Registrar (who is hereby empowered to administer an Oath for such Purpose), or One of the Judges of Her Majesty's Superior Courts of Law in *Ireland* or at *Westminster*, or Two of Her Majesty's Justices of the Peace: Provided always, that in the Case of an Extract the Registration of the Assurance shall be effectual only so far as such Extract extends, and so far as the same substantially and in material Respects agrees with the original Document.

In case of an Extract, the Registration to be effectual only as far as the Extract agrees with the Original.

XVIII. Provided always, and be it enacted, That where the Document which by any of the Provisions of this Act would be required to be deposited in the said Register Office on registering any Assurance is by any Law for the Time being in force in the United Kingdom or elsewhere required to be filed or deposited or kept in any other Office or Place, a Copy of such Document may, on registering the Assurance, be deposited in the said Register Office in lieu of such Document, and thereupon the Registration of the Assurance shall (so far as respects depositing a Document) be as valid and effectual as if the original Document had been deposited at the said Register Office; provided that where there is any Officer authorized to give out an Office or authenticated Copy of such Document the Instrument to be deposited in the said Register Office under this Enactment shall be an Office or authenticated Copy duly certified by such Officer.

Where the Document directed by this Act to be deposited at the Register Office is required to be deposited at any other Office or Place, a Copy may be deposited at the Register Office.

XIX. And be it enacted, That any Person having an Interest in any Lands under any Assurance by this Act authorized to be registered, which has not been registered, may require any Person in possession of the original Document, or (if there be Duplicates) any one of the original Documents, or (where the original Document or the several original Documents is or are lost) a Copy of, or (in case where no Copy is known to exist) an Extract from the original Document or of or from any of the original Documents, to deliver or send the same at or to the said Register Office for the Purpose of its being registered; and in case the Person in whose Possession the same shall be refuse so to do, it shall be lawful for any Judge of any of the Superior Courts of Law in *Ireland* or at *Westminster*, upon a summary

Power to any Person claiming under an Assurance to compel the Registration thereof by Application to a Judge.

mary Application, to make such Order respecting the Delivery or sending of such Document or Copy or Extract as aforesaid at or to the said Register Office for the Purpose aforesaid as to such Judge in the Exercise of his Discretion shall, under the Circumstances of the Case, appear proper: Provided always, that this Enactment shall not authorize any Person to require or enforce the Registration of any Assurance or Copy or Extract in case any Agreement or Provision have been made for the Non-registration of such Assurance by him or by any Person from or through whom he derives an Interest under such Assurance.

Power to Judge to make Order as to Costs, and to order an Office Copy to be furnished at the Expense of the Applicant.

XX. And be it enacted, That it shall be lawful for the Judge to whom any such Application is so made to make such Order respecting the Costs of such Application, and the Costs incidental thereto, and the Cost of Registration, as to such Judge shall seem proper; and it shall also be lawful for such Judge, if he think proper so to do, to order that an Office Copy of the original Document, or of the Copy or Extract to be delivered or sent as aforesaid, shall be furnished to the Party by whom the same shall be so delivered or sent, at the Expense of the Party by whom the Application is made.

Appointments of Assignees in Bankruptcy in England and Ireland and Acts and Warrants of Confirmation in Scotland may be registered by Deposit of Copy and making proper Entry.

XXI. And be it enacted, That every Appointment or Choice of Assignees of any Bankrupt, whether such Bankruptcy be in *England* or *Ireland*, made after the Commencement of Registration under this Act, may be registered in the said Register Office by the Deposit in the said Register Office of an Office Copy of the Certificate of such Appointment or Choice, and by the Entry required by the Provision in that Behalf herein-after contained being made in the proper Index in the said Register Office; and every Act and Warrant of Confirmation to the Trustee on the sequestrated Estate of any Bankrupt in *Scotland* made after the Commencement of Registration under this Act may be registered in the said Register Office by the Deposit in such Office of a Copy of such Act and Warrant, certified by One of the Bill Chamber Clerks, and authenticated by the Seal of the Court of Session, and by the Entry required by the Provision herein-after in that Behalf contained being made in the proper Index in the said Register Office; and all such Copies as aforesaid shall from Time to Time be made up into Books or Parcels, and numbered.

Any Order or Appointment, &c. of Assignees in Insolvency may be registered by Deposit of a Copy or Certificate and

XXII. And be it enacted, That where by virtue of any vesting or other Order made after the Commencement of Registration under this Act by any Court, Commissioner, or Judge (whether in *Ireland*, *England*, or any other Part of Her Majesty's Dominions,) having Jurisdiction in this Behalf, or of any Nomination, Appointment, or Choice of any Provisional, Official, or other Assignee or Assignees made after such Commencement by such Court, Commissioner, or Judge, or by

by Creditors of any Insolvent Debtor, the Estate and Effects of any Insolvent Debtor become vested in any such Assignee or Assignees, every such Order, Nomination, Appointment, or Choice may be registered in the said Register Office, by depositing in the said Register Office an Office or authenticated Copy or Certificate of such Order, Nomination, Appointment, or Choice, and by the Entry required by the Provision in that Behalf herein-after contained being made in the proper Index in the said Register Office; and all such Copies and Certificates shall from Time to Time be made up into Books or Parcels, and numbered.

making the proper Entry.

XXIII. And be it enacted, That there shall be provided and kept in the said Register Office for the whole of *Ireland* an alphabetical Index, to be intituled "The Index to Bankrupts and Insolvents;" and where any Appointment or Choice of Assignees, or Act and Warrant of Confirmation in any Bankruptcy, or any such Vesting or other Order, Nomination, Appointment, or Choice of any Assignee or Assignees in any Insolvency, is registered under this Act, an Entry of the Name of the Bankrupt or Insolvent, with the Addition (if any) of such Bankrupt or Insolvent as set forth in the Copy or Certificate deposited as aforesaid on such Registration, shall be made in the said Index to Bankrupts and Insolvents; and opposite to the Name of every Bankrupt or Insolvent whose Name is so entered an Entry shall be made expressing the Year and Day of the Month when the same Entry is made, and the Book or Parcel in which the said Copy or Certificate has been made up, and the Number of the same in such Book or Parcel.

An Index, to be called "The Index to Bankrupts and Insolvents," to be kept for Ireland.

XXIV. And be it enacted, That every Assurance by this Act authorized to be registered, other than a Will, shall (so far as regards any Lands to be affected thereby) be void as against any Person claiming for valuable Consideration under any subsequent Assurance duly registered, unless the prior Assurance has been registered in the Manner directed by this Act before the Registration of the subsequent Assurance.

Assurances authorized to be registered to be void as against Purchasers, unless registered.

XXV. And be it enacted, That where any public Act of Parliament, passed or to be passed, contains any Provision for vesting any Lands, or any Estate or Interest in Lands, in *Ireland*, in any Person by or upon the Payment of Money, or by or upon any other Act (except any Act under any Bankruptcy or Insolvency, or an Assurance herein-before authorized to be registered), and such Lands, Estate, or Interest become so vested by or upon any such Payment or other Act (except as aforesaid), made or done after the Commencement of Registration under this Act, and where any Equitable Mortgage affecting Lands in *Ireland* is made by the Deposit of Title

Estate or Interest arising under public Act upon Payment of Money, &c.

Equitable Mortgage by Deposit of

Deeds, and Lien for Purchase Money, to be void as against Purchasers, unless Memorandum registered.

Title Deeds after the Commencement of Registration under this Act, and where by reason of the Nonpayment of Purchase Money a Vendor has, at any Time after the Commencement of Registration under this Act, acquired a Lien for such Purchase Money on any Lands in *Ireland*, such vesting of such Lands, Estate or Interest, Equitable Mortgage and Lien, respectively, shall be void as against any Person claiming for valuable Consideration under any subsequent Assurance duly registered, unless in the respective Case of such vesting of such Lands, Estate or Interest, Equitable Mortgage and Lien, such Memorandum as is herein-before in such respective Case authorized to be registered be registered in the Manner required by this Act before the Registration of the subsequent Assurance.

Assurance duly entered as to Part only of the Lands to be deemed duly registered as to such Part.

XXVI. And be it enacted, That no Assurance shall be deemed registered under this Act unless and until all the Entries required by this Act in respect of such Assurance have been duly made, provided that where, upon the Registration under this Act of an Assurance, all the Entries which would be required for such Registration have been duly made as to Part only of the Lands affected thereby such Assurance shall, as to the Lands with respect to which such Entries have been so made, but not as to the Residue of the Lands affected by such Assurance, be deemed duly registered under this Act.

Unregistered Will to be void against Purchaser from Persons entitled under a registered Will, or in default of a Will where Letters of Administration or Affidavit of Intestacy registered.

XXVII. And be it enacted, That where any Will, Letters of Administration, or Affidavit of Intestacy, authorized to be registered under this Act, has or have been duly registered under this Act, every other Will affecting Lands in *Ireland* authorized to be registered under this Act, and made by the Person by whom such first-mentioned Will was made, or in respect of whose Estate and Effects such Letters of Administration were granted, or with respect to whose Intestacy or alleged Intestacy such Affidavit was made, shall, so far as regards such Lands, be void as against any Person claiming for valuable Consideration under any Assurance duly registered made after the Death of the Testator by any Person claiming immediately or derivatively under such first-mentioned Will or such Letters of Administration, or by any other Person by whom such Assurance might have been made if such other Will as aforesaid had not been executed, unless such Will be registered before the Registration of such Assurance or such first-mentioned Will, Letters of Administration, or Affidavit: Provided always, that every Will registered within Two Years after the Death of the Testator shall be as valid and effectual as if the same had been registered immediately after the Death of the Testator: Provided also, that if by reason of the Concealment, Suppression, or contesting of any Will, or other inevitable Difficulty, any Person interested thereunder be disabled

from registering the same within such Two Years, and such Person, or any Person on his Behalf, within such last-mentioned Period, make and register, in manner herein directed, an Affidavit stating the Name and Addition of the Testator, the Date of his Death, and the Impediment to the Registration of such Will which may be existing at the Time of making such Affidavit, then and in such Case the Registration of such Will in manner directed by this Act within Six Calendar Months next after all Impediments to the Registration thereof are removed shall be as valid and effectual as if the same had been registered immediately after the Death of the Testator; and such Affidavit as aforesaid shall be sworn before the like Person or Persons as an Affidavit of Intestacy, and registered by the Deposit thereof in the said Register Office, and shall be made up and numbered with the Wills registered in the said Office, and an Entry shall be made of such Affidavit in the Index to Wills and Administrations in like Manner as in the Case of a Will, save that in describing the Document deposited the same shall be called an Affidavit of a Will.

Purchasers protected against Bankruptcy and Insolvency unless Appointment of Assignees, &c. be registered.

XXVIII. And be it enacted, That where the first Appointment of Assignees in any Bankruptcy in *England* or *Ireland*, or the first Act and Warrant of Confirmation to a Trustee in any Bankruptcy in *Scotland*, or the first Vesting or other Order, or Nomination, Appointment, or Choice of any Assignee or Assignees in any Insolvency, under which the Estate and Effects of the Bankrupt or Insolvent becomes vested in any Assignee or Assignees or Trustee under the Bankruptcy or Insolvency, is made after the Commencement of Registration under this Act, such Bankruptcy, or any Appointment or Choice of Assignees, or Act and Warrant of Confirmation thereunder, or such Insolvency, or any Vesting or other Order, Nomination, Appointment, or Choice of Assignee or Assignees thereunder, shall not, as against any Person claiming for valuable Consideration under any Assurance duly registered under this Act made by the Bankrupt or Insolvent or any other Person by whom the same might have been made if such Bankruptcy or Insolvency had not happened, invalidate or affect such Assurance, unless such Appointment or Choice of Assignees, or Act and Warrant of Confirmation, (in the Case of Bankruptcy,) or Vesting or other Order, or Nomination, Appointment, or Choice of Assignee or Assignees, (in the Case of Insolvency,) as is authorized to be registered under this Act, be duly registered under this Act before the Registration of such Assurance as aforesaid, or within Two Calendar Months after the Date of the first Appointment, or Act and Warrant of Confirmation, (in Bankruptcy,) or Order, Nomination, Appointment, or Choice, (in Insolvency,) under which the Estate and Effects of the Bankrupt or Insolvent shall vest in any Assignee or Assignees or any Trustee under the Bankruptcy or Insolvency.

The Priority given by the preceding Clauses to be enforced in Equity, notwithstanding Notice.

XXIX. And be it enacted, That the Priority given by the Provisions herein-before contained to any Person claiming for valuable Consideration, without Fraud, under a subsequent Assurance, shall not be taken away by any Court of Equity in consequence of such Person having been affected with Notice; and where, under the Provisions herein-before contained, Priority shall be given to any Person claiming for valuable Consideration under a subsequent Assurance an equitable Estate or Interest, such Priority shall be enforced in Equity, although the Person claiming under such subsequent Assurance shall have been affected with Notice.

Purchaser for valuable Consideration not to be affected by Notice of Uses or Trusts not manifested by a registered Assurance, nor by Uses or Trusts declared by reference to an unregistered Assurance.

XXX. And be it enacted, That where any Estate or Interest in Lands in *Ireland* is vested in any Person under any Assurance registered under this Act, no Purchaser for valuable Consideration, without Fraud, claiming under any Assurance made by the Person in whom such Estate or Interest is so vested, shall be affected or bound by reason of Notice of any Use, Trust, or Confidence affecting such Estate or Interest not manifested or proved by such first-mentioned Assurance, or some other Assurance duly registered under this Act before the Registration of the Assurance under which such Purchaser so claims; and where in any Assurance registered under this Act any Use, Trust, or Confidence affecting any Estate or Interest in Lands in *Ireland* vested in any Person under any Assurance registered under this Act is declared or created by reference to and depends for its Validity or for the Terms thereof upon some other Assurance executed after the Commencement of Registration under this Act, no Purchaser for valuable Consideration, without Fraud, claiming under any Assurance made by the Person in whom such Estate or Interest is so vested, shall be affected by such Use, Trust, or Confidence, unless the Assurance by reference to which such Use, Trust, or Confidence is so declared or created be registered under this Act before the Registration of the Assurance under which such Purchaser so claims.

Persons interested under Uses or Trusts affecting Estates vested under a registered Assurance may enter an Inhibition against Alienation.

XXXI. And be it enacted, That where any Person is interested under any Use, Trust, or Confidence affecting any Estate or Interest in Lands in *Ireland* which is vested in any Person under any Assurance registered under this Act, and such Use, Trust, or Confidence is not manifested or proved by any Assurance registered under this Act, or is in any Assurance registered under this Act declared and created by reference to and depends for its Validity or for the Terms thereof upon some other Assurance executed after the Commencement of Registration under this Act, and not registered under this Act, any Person so interested as aforesaid may, by a Requisition in Writing under his Hand, delivered at the said Register Office together with such Affidavit as herein-after mentioned, require an Inhibition in respect of any Lands to be mentioned

tioned in such Requisition to be entered in the said Register Office against any Person to be mentioned in such Requisition in whom such Estate or Interest is vested as aforesaid, inhibiting such last-mentioned Person from alienating, charging, or affecting such Lands by virtue of such Estate or Interest, without Notice being first given by the said Registrar to the Person signing such Requisition, or some Person on his Behalf, at some Office or Place to be mentioned in such Requisition, and situate within Ten Miles of the said Register Office; and such Requisition shall specify the Date of and Parties to the Assurance under which such Estate or Interest is vested, and the Head under which the same is entered in the Index of Titles; and the Affidavit to be delivered with such Requisition shall be made by the Person signing such Requisition, and such Person shall therein swear that he believes that he is interested under such Use, Trust, or Confidence as aforesaid, and such Affidavit shall be sworn before any Person or Persons before whom any other Affidavit authorized to be deposited in the said Register Office under this Act may be sworn; and all Requisitions for Inhibitions shall, together with the respective Affidavits delivered therewith, be from Time to Time made up into Books or Parcels, and numbered, the Affidavit delivered with each Requisition being numbered with the same Number as the Requisition.

Inhibition to be entered in Index of Titles.

XXXII. And be it enacted, That where an Inhibition is so required to be entered as aforesaid an Entry shall be made in the Index of Titles under the same Head and expressing the like Particulars as if the same were an Assurance to be registered under this Act.

Provision for cancelling Inhibition.

XXXIII. And be it enacted, That any Person against whom such Inhibition is so entered as aforesaid, or any Person interested in the Lands to which the same relates, may, by Writing signed by such Person, and lodged at the said Register Office, require the said Registrar to cancel the Entry in the said Index of Titles of such Inhibition; and the said Registrar shall, within Two Days after such Requisition, give Notice thereof to the Person on whose Requisition the Inhibition has been entered, and shall state in such Notice that on the Expiration of Fourteen Days after the Service thereof the Inhibition will be cancelled; and the Service of such Notice at the Office or Place mentioned in the Requisition for the Inhibition shall be deemed good Service thereof; and at the Expiration of the said Period of Fourteen Days after such Service the said Registrar, unless sooner restrained by the Order of the Court of Chancery as herein-after mentioned, shall cancel the Entry in the Index of Titles of the said Inhibition.

Court of Chancery may restrain

XXXIV. And be it enacted, That it shall be lawful for the Court of Chancery in *Ireland*, upon the Application of any Party interested, by

Registrar from cancelling Inhibition.

by Motion or Petition in a summary Way, without Bill filed, to restrain the Registrar of the said Register Office from cancelling the Entry of any Inhibition entered under this Act: Provided always, that the said Court of Chancery shall have full Power, upon the Application of any Party, to discharge or vary such Order, and to award such Costs on such Application as such Court may see fit, and generally to make such Order in relation to the Premises as to the same Court may seem fit.

Persons claiming under Assurances made while Inhibition is on the Register to be affected by Uses and Trusts not shown by a registered Assurance.

XXXV. And be it enacted, That any Person claiming, under any Assurance made by any Person against whom any Inhibition is entered as aforesaid, by virtue of any Estate or Interest in Lands in *Ireland* vested in such last-mentioned Person in relation to which such Inhibition is entered, shall, where such Assurance is executed after the Entry of such Inhibition, and before the same is cancelled, be affected by and take, subject to the Uses, Trusts, and Confidences affecting such Estate and Interest, in like Manner as if such Uses, Trusts, and Confidences had been manifested by a registered Deed.

Assurances registered at the same Time to have Priority according to the Time of Execution.

XXXVI. And be it enacted and declared, That where any Two or more Assurances to be registered under this Act shall be registered at the same Time, such Assurances shall have Priority according to the Order of Time in which the same shall have been executed.

The Protection of the Act to extend to Persons who claim under Purchasers.

XXXVII. And be it enacted and declared, That every Person who shall claim without valuable Consideration under any Person who shall have claimed for valuable Consideration shall be entitled to the same Preference, Protection, and Advantage under the Provisions of this Act as the Person who shall have so claimed for valuable Consideration.

Protection by legal Estate and tacking not to be allowed.

XXXVIII. And be it enacted, That in any Case in which Priority or Protection might but for this Act have been given or allowed in Equity to any Estate or Interest in Lands in *Ireland*, by reason or on the Ground of such Estate or Interest being protected by or tacked to any legal or other Estate or Interest in such Lands, no such Priority or Protection shall, after the Commencement of Registration under this Act, be so given or allowed, except as against any Estate or Interest which shall have existed prior to such Commencement; and full Effect shall be given in every Court of Equity to this present Provision, although the Party claiming such Priority or Protection as aforesaid shall claim, as a Purchaser for valuable Consideration, and without Notice.

Power for any Person to require an Entry to be

XXXIX. And be it enacted, That when any Assurance has been registered under this Act in the said Register Office, any Person may, by a Requisition in Writing under his Hand delivered at the said

Register Office, require the Registrar to make an Entry of such Assurance in the Index of Titles, under any Head or Heads to be specified in such Requisition; and such Entry shall express the Year and Day of the Month when the same is made, and the Book or Parcel in which such Assurance is made up, and the Number of such Assurance in such Book or Parcel, and, where such Assurance is entered in the Index of Titles, the Number of the Head under which such Assurance has been indexed.

made under any Head in Index of Titles referring to any Assurance indexed under any other Head.

XL. And be it enacted, That where any Lands which shall be affected by an Assurance by this Act authorized to be registered shall be subject to any Term of Years or other particular Estate (whether vested or contingent or executory), or to any Charge (whether vested or contingent or executory), and such Assurance would (so far as this present Enactment does not operate) have the Effect, either immediately or at any Time afterwards, of merging or extinguishing such Term of Years or other particular Estate, or of releasing or extinguishing such Charge or any Part thereof, or any Interest therein or in any Part thereof, the same Assurance shall not have such Effect as against any Person claiming for valuable Consideration under any subsequent Assurance duly registered, whereby such Term of Years or other particular Estate or such Charge or Interest shall be assigned or otherwise affected by any Person, who, if such Merger, Release, or Extinguishment had not taken place, would have been entitled to make such Assurance, unless before the Registration of such subsequent Assurance an Entry of the Assurance which would have the Effect of merging, releasing, or extinguishing such Term of Years or other particular Estate, or Charge or Interest, or Part respectively, be made in the Index of Titles under the existing Head (if any) under which an Assurance of such Term of Years or other particular Estate, or Charge or Interest, if the same were subsisting, ought under the Provisions of this Act to be indexed or entered.

An Assurance which would have the Effect of merging any Interest not to have such Effect as against a subsequent Purchaser of such Interest, unless an Entry be made to lead such Purchaser to the Assurance.

XLI. And be it enacted, That any Person may, by a Requisition in Writing under his Hand, delivered at the said Register Office, require a Caveat in respect of any Lands to be mentioned in such Requisition to be entered in the said Register Office in favour of any Person described in such Requisition; and the Requisitions for Caveats shall from Time to Time be made up into Books or Parcels, and numbered.

Power to enter a Caveat.

XLII. And be it enacted, That where a Caveat is so required to be entered an Entry shall be made in the Index of Titles under the same Head (whether an existing or new Head) and expressing the like Particulars as if the same were an Assurance to be registered

Mode of entering Caveats.

 under

under this Act affecting the Lands mentioned in the Requisition for such Caveat, and made by the Person requiring such Caveat to be entered; and where an Entry in the Land Index would be required under this Act if the Entry so made in such Index of Titles were an Entry of such Assurance, the like Entry shall be made in the Land Index in the Case of such Entry in such Index of Titles of such Caveat.

Extent of Protection to be afforded by Caveats.

XLIII. And be it enacted, That where a Caveat is duly registered under this Act as to any Lands, every Person claiming for valuable Consideration under any Assurance affecting the same Lands to be made by the Person by whom the Entry of the Caveat has been required, or any Person claiming under him, to or with the Concurrence of the Person in whose Favour the Caveat was so entered, or his Heirs, Executors, Administrators, or Assigns, and registered in the Manner directed by this Act within Three Calendar Months after the Caveat has been so entered as to such Lands, shall be entitled to the same Preference, Protection, and Advantage under the Provisions of this Act as if such Assurance had been executed and so registered as aforesaid at the Time of entering the Caveat.

The Protection of Caveats restricted to specified Cases.

XLIV. Provided always, and be it enacted, That no Caveat which shall be entered under the Provisions of this Act shall be of any Force or Effect, except by way of Protection to a Contract entered into at or before the Date of the Entry of the Caveat, or by way of Protection to an Assurance for valuable Consideration made or executed in pursuance of such Contract, or by way of Protection to any Assurance for valuable Consideration which at the Date of the Entry of the Caveat shall have been executed by some One or more of the Parties by whom the Lands shall be conveyed or otherwise affected, or by way of Protection to any Assurance for valuable Consideration which shall have been in contemplation at the Date of such Entry; and no Caveat shall have any Force or Effect as against the Operation of the Bankruptcy or Insolvency of the Person requiring any Caveat to be entered, or any Act under such Bankruptcy or Insolvency.

A Seal to be kept, and the Impressions to be taken judicial Notice of.

XLV. And be it enacted, That there shall be made and kept at the said Register Office a Seal, to be called "The Seal of the Register Office," and judicial Notice shall be taken of the Impressions thereof in all Courts, without any Evidence of the said Seal having been impressed, or any other Evidence in relation thereto.

XLVI. And

XLVI. And be it enacted, That where there are duplicate Originals of any Assurance which is registered under this Act, it shall be lawful for any Person to bring or send to the said Register Office any duplicate Original which has not been deposited in the said Register Office, in order that the same may be compared with the deposited Original, and thereupon the Document so brought or sent shall be compared accordingly, and any Variances which may be found shall be noted in the Margin of such Document; and in every such Case the Seal of the Register Office shall be impressed on each Skin or Sheet of the Document brought or sent to be compared as aforesaid; and a Certificate, signed by the proper Officer of the said Register Office, shall be written at the Head or in the Margin of such Document, or shall be endorsed on the same, which Certificate shall contain a Statement that a Duplicate of the Document in or upon which the same is written has been deposited in the said Register Office, and shall state the Parties by whom the deposited Original appears to have been executed, and shall specify the Book or Parcel in which the same is made up, and the Number of the Document in such Book or Parcel; and every Document so sealed, with such Certificate thereon, containing such Statement, and purporting to be so signed as aforesaid, shall in all Cases be Evidence that another Part of the same Assurance has been deposited in the said Register Office, and is made up in the Book or Parcel mentioned in such Certificate, and is numbered in the said Book or Parcel as in such Certificate is specified.

Duplicates of deposited Documents may be compared at the Office, and certified.

Every Document so certified to be received as Evidence that another Part of the same Assurance has been deposited.

XLVII. And be it enacted, That the Registrar shall cause to be provided for any Person applying for the same Copies or Extracts from any Document which has been deposited in the said Register Office under this Act; and in every Case when a Copy or Extract is so provided the Seal of the said Register Office shall be impressed on each Sheet of such Copy or Extract; and a Certificate, signed by the proper Officer of the said Register Office, shall be written at the Head or in the Margin of such Copy or Extract, or shall be endorsed on the same, which Certificate shall contain a Statement that the Copy or Extract on which the same is written is an examined Copy of or Extract from a Document deposited in the said Register Office, and shall specify the Book or Parcel in which such Document is made up, and the Number of such Document in such Book or Parcel; and every Document so sealed, with such Certificate thereon, containing such Statement and purporting to be so signed as aforesaid, shall be Evidence that such Document is a Copy or Extract from a Document deposited in the said Register Office, and made up in the Book or Parcel specified in such Certificate, and numbered in such Book or Parcel as in such Certificate

Copies of and Extracts from deposited Instruments to be provided, on Application, and to be certified.

The Seal of the Office, with a Certificate, to be Evidence of such Copies and Extracts.

Certificate is expressed, and of the Contents of the Document deposited in the said Register Office, or of such Part thereof as is purported to be extracted.

Where there are Duplicates of a registered Assurance, One Duplicate to be exempted from Stamp Duty, provided the deposited Document is duly stamped.

XLVIII. And be it enacted, That where there are duplicate Originals of any Assurance which has been registered under this Act, and the duplicate Original which has not been deposited in the said Register Office is brought or sent to the said Register Office for the Purpose of being compared, such duplicate Original shall be exempted from the Stamp Duty or Duties payable thereon, provided the proper Stamp or Stamps has or have been impressed on the deposited Original; and upon the duplicate Original which has not been deposited being brought or sent to the said Register Office for the Purpose of being compared as aforesaid, the proper Officer of the said Register Office shall endorse on such duplicate Original a Certificate specifying the Description and Amount of the Stamp or Stamps which has or have been impressed on the deposited Original, which Certificate shall be stamped with the Seal of the said Register Office, and signed by the Officer by whom the same is given; and every such Certificate sealed and purporting to be signed as aforesaid shall be sufficient Evidence in all Courts and before all Persons that the Stamp or Stamps specified in such Certificate is or are impressed on the Original deposited in the said Register Office as aforesaid, and that the Document on which such Certificate is endorsed is the duplicate Original exempted from Stamp Duty under this Enactment: Provided always, that where any such Certificate as aforesaid is given under this Enactment the proper Officer of the said Register Office shall enter in the Margin of the Document deposited a Memorandum that a Duplicate thereof has been exempted from Stamp Duty, and no Certificate shall afterwards be given for exempting from Stamp Duty any duplicate Original of such Document: Provided also, that no such Certificate as aforesaid shall be given for exempting from Stamp Duty the Duplicate of any Lease in any Case where either the duplicate Original deposited in the said Register Office, or the duplicate Original brought or sent to the said Register Office for the Purpose of being compared as aforesaid, is executed by the Lessee, unless another duplicate Original with the proper Stamp or Stamps (if any) shall at the same Time be produced at the said Register Office; and every Certificate which is so given in respect of any such Lease as aforesaid shall state the Names of the Parties by whom the Document on which such Certificate is endorsed appears at the Date of the Certificate to have been executed, and if such Document be afterwards executed by any other Person the Certificate shall no longer be of any Force or Effect.

The Exemption not to apply to Duplicates of Leases where either Part is executed by Lessee.

XLIX. And

XLIX. And be it enacted, That all Memorials and Copies to be registered pursuant to this Act, and all Copies and Extracts of or from any of the Documents to be deposited in the said Register Office, and all Extracts from any of the Indexes to be kept at the said Register Office, and all Certificates of the Result of Searches in the said Indexes, and all Requisitions for such Copies, Extracts, and Searches respectively, shall be exempt from Stamp Duty.

Memorials, Office Copies, Extracts, and Requisitions to be exempt from Stamp Duty.

L. And be it enacted, That no Document deposited in the said Register Office under this Act shall be removed from the same, except in obedience to any legal Process for the Production thereof, and none of the Indexes to be kept at the said Register Office as aforesaid shall be removed from the same on any Account whatsoever.

Documents deposited at the Register Office not to be removed except on legal Process.

LI. Provided always, and be it enacted, That where any Will has been registered under this Act by the Deposit of the original Will, the Registrar shall, upon the Request of any Person entitled to prove such Will, or to take out Letters of Administration to the Testator with such Will annexed, such Request to be testified by some Writing signed by and containing the Address of the Person making such Request, and specifying the Court in which the Will is desired to be proved, or in which Administration to the Testator with the Will annexed is desired to be taken out, cause such Will, together with a Certificate of the same having been deposited in the said Register Office, which Certificate shall be sealed with the Seal of the Register Office, and signed by the Registrar or an Assistant Registrar, to be transmitted to the Court so specified, in order that the same may be proved in such Court, or that Administration to the Testator with such Will annexed may be granted by such Court; and the Registrar or other the Chief Officer of the Court to which the same Will is so transmitted, or his Deputy, shall, immediately after such Will has been proved in such Court, or after Letters of Administration of the Effects of the Testator with such Will annexed have been granted by such Court, or immediately after the Termination of the Proceedings in such Court, cause the same Will to be returned to the said Register Office.

Wills deposited at the Register Office may be removed for the Purpose of being proved, &c.

After being proved, &c., the Will is to be returned.

LII. And be it enacted, That, subject to such Regulations as may be made from Time to Time by the Commissioners of Her Majesty's Treasury, every Person, on Application at the said Register Office, shall be allowed to inspect and search any of the Indexes to be kept at the said Register Office as aforesaid, and to examine and inspect any of the Documents to be deposited in the said Register Office as aforesaid, and to take Extracts from any such Indexes or

Searches of the Indexes to be permitted, and Inspections of deposited Instruments allowed.

Searches of the Indexes to be made on Requisition, and Certificates given.

Documents as aforesaid; and the said Registrar shall, upon the Delivery of such Requisitions as under such Regulations may be required in this Behalf, give negative and other Certificates of the Result of Searches; and every such Certificate shall be sealed with the Seal of the said Register Office, and signed by the Registrar or an Assistant Registrar of the said Register Office.

The Duties of Attornies, &c. to be fulfilled by causing an Office Search to be made.

Attornies, &c. indemnified in relying on the Accuracy of Certificates.

LIII. And be it enacted, That in every Case in which it shall be the Duty of any Attorney, Solicitor, or certificated Conveyancer to make any Search in any of the Indexes to be kept at the said Register Office, such Attorney, Solicitor, or certificated Conveyancer shall be held to have fulfilled his Duty in that Behalf by making an Application at the said Register Office for such Search to be made, and obtaining a Certificate of the Result of the same, and shall not be responsible for any Error or Mistake in the Result of such Search as stated in such Certificate; and in all other Cases every Attorney, Solicitor, or certificated Conveyancer shall stand indemnified in relying on the Accuracy of any Certificate to be made or given in pursuance of this Act.

Power to the Registrar to order that Documents to be deposited shall be written bookwise, or otherwise, &c.

Additional Payment on Persons sending Documents to be deposited which shall not be conformable with such Order.

LIV. And be it enacted, That for facilitating the making up into Books or Parcels of the several Documents to be deposited at the said Register Office as aforesaid, and for the Convenience of Reference thereto, it shall be lawful for the Registrar from Time to Time (either before or after the Commencement of Registration under this Act), by a Notice to be published at least Four Times in the "*Dublin Gazette*" of which the last Time shall be not less than Three Calendar Months before the Time when the same is intended to take effect, to order and direct that all Documents of any Description to be specified in such Notice which shall be brought or sent to the said Register Office in order to be deposited in the same under this Act (with any Exceptions which shall be specified in such Notice) shall be written or ingrossed bookwise, or in such other Manner as shall be specified in such Notice, and shall be written or ingrossed either on Paper, Vellum or Parchment, as shall in that Behalf be in such Notice directed, and to order and direct that such Paper, Vellum, or Parchment shall be of such Description and of such Shape and Dimensions as in such Notice shall be specified; and if in any Case after the Time when any Notice to be given in pursuance of this Power has taken effect any Document within the Meaning of such Notice be brought or sent to the said Register Office to be deposited as aforesaid, which is not conformable with the Direction or Directions in respect of the same contained in such Notice, the Person by whom the Application for the Registration or for entering the Caveat is made shall pay, in addition to the ordinary

nary Fee herein-after made payable for the same, such extra Fee as the Registrar may in each Case think fit, not exceeding the Amount of the said ordinary Fee.

Power to the Registrar to require Statements for regulating the Entries to be sent with Assurances.

LV. And be it enacted, That it shall be lawful for the Registrar from Time to Time, either before or after the Commencement of Registration under this Act, by a Notice to be published not less than Four Times in the "*Dublin Gazette*" (of which the last Time shall be at least Three Calendar Months before the Time when the same shall be intended to take effect), to require that any Statements which may appear to the said Registrar necessary or proper for directing or regulating the Entries to be made on Registration, and for affording Information for the making of such Entries, shall be made and brought or sent to the said Register Office; and it shall also be lawful for the Registrar by any such Notice to specify the Form of such Statements as aforesaid, and to require that the same shall be signed by the Persons respectively requiring the Registration, and shall contain the Address of such Persons respectively, and also to require that the same shall be either written in or endorsed on the Documents to be deposited as aforesaid, or written on separate Papers, as the Registrar shall think fit.

No Officer of the Register Office to be responsible for Omissions or Mistakes occasioned by Defects in the Statement.

LVI. And be it enacted and declared, That nothing in this Act contained shall render the Registrar or any other Officer of the said Register Office in any way responsible or liable in respect of any Loss or Damage which may be sustained or incurred by any Person in consequence of the Omission of any Entry or Reference required by this Act on the Registration of any Assurance, or in consequence of any Delay in making any such Entry or Reference, or in consequence of any Error in any such Entry or Reference, in any Case where no Statement has been sent to the said Register Office conformably with any such Order as aforesaid, or in any Case where such Statement has been so sent as aforesaid and Entries or References in conformity therewith have been made.

Treasury to fix Fees to be taken under this Act.

LVII. And be it enacted, That it shall be lawful for the Commissioners of Her Majesty's Treasury, by an Order to take effect on the Commencement of Registration under this Act, to fix the Fees to be taken in the said Register Office in respect of Documents to be registered, Searches, Certificates, Office Copies, and other Matters to be done in the said Office under this Act; and the Powers contained in the said Act of the Third Year of King *William* the Fourth, of reducing, altering, or varying Fees established in the said Register Office and establishing other Fees, shall extend to the Fees to be fixed as aforesaid; and the Fees to be taken under this Act shall be accounted

accounted for and applied according to the Provisions of the said Act.

Power for the Treasury to make Regulations as to numbering Documents, making Entries, examining Documents, making Copies, Extracts, and Searches, granting Certificates, &c.

LVIII. And be it enacted, That it shall be lawful for the Commissioners of Her Majesty's Treasury to make such Orders, Rules, and Regulations as they from Time to Time deem proper, as to the Mode and Time in and at which the Documents herein-before directed to be made up into Books or Parcels and numbered shall be so made up and numbered; and as to the Manner and Time in and at which the Entries hereby directed to be made shall be made; and as to the Use of the Seal of the said Register Office; and as to the Examination and Comparison of duplicate Originals of deposited Documents, and the granting of Certificates with reference thereto; and as to the making of Copies of and Extracts from deposited Documents, and the granting of Certificates with reference thereto, and the Restrictions and Conditions under which such Copies, Extracts, or Certificates shall be given; and as to the making Searches of and providing and issuing Extracts from any of the Indexes to be kept at the said Register Office, and granting Certificates with reference thereto; and as to the Forms of Requisitions for such Copies, Extracts, or Searches as aforesaid, and the giving of Receipts for Documents received at the said Register Office; and as to the Mode in which and the Restrictions and Conditions under which Searches of the Indexes kept at the said Office, and Inspection of the Documents deposited there, shall be permitted; and as to the Payment and Application of the Fees received by the Registrar or by the said Office; and as to the Expenses and Disbursements of the said Office, and the auditing of the Accounts thereof; and as to all other Matters and Things whatsoever connected with the Regulation and Management of the said Register Office and the Execution of this Act, not specially hereby provided for; and from Time to Time to alter, vary, or revoke any such Order, Rule, or Regulation, and make any new Orders, Rules, and Regulations for the Purposes aforesaid; and by any such Order, Rule, or Regulation as herein-before mentioned to leave or refer any of the several Matters aforesaid, or any other Matter connected with the Execution of this Act, to the Discretion of the Registrar.

Registration under this Act to have the same Effect against Acts prior to Commencement of Registration

LIX. And be it enacted, That the Registration under this Act of any Assurance executed after the Commencement of Registration under this Act, or of any Will of any Testator who shall die after such Commencement of Registration, or of any Appointment, Choice, Act and Warrant, Nomination or Order, made after such Commencement, in any Bankruptcy or Insolvency, shall have the same Effect in

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giving Validity and Priority to such Will or other Assurance, Appointment, Choice, Act and Warrant, Nomination or Order, as against Persons claiming under any Assurance made before the Commencement of Registration under this Act, or under any Will made by any Testator who has died before such Commencement, as the Registration of a Memorial of such Assurance executed after such Commencement, or of such Will of any Testator who shall die after such Commencement, or the Registration of the proper Document evidencing such Appointment, Choice, Act and Warrant, Nomination or Order, so respectively made after such Commencement, would have had in case this Act had not been passed, and such Memorial or Document had been registered at the Time at which such Assurance, Will, Appointment, Choice, Act and Warrant, Nomination or Order, shall be registered under the Provisions of this Act.

as Registration under former Acts.

LX. Provided always, and be it enacted, That, except as herein particularly mentioned, no Decree or Order of any Court of Equity, and no Judgment, Rule, Statute, or Recognizance, (whether the same be obtained or entered into in the Name or upon the Account of Her Majesty, Her Heirs or Successors, or of any other Person,) and no Inquisition and no Obligation or Specialty made to Her Majesty, Her Heirs or Successors, and no Acceptance of Office whereby the Lands of the Officer become chargeable, and no Lis pendens, shall be registered under the Provisions of this Act, but every such Decree, Order, Judgment, Rule, Statute, Recognizance, Inquisition, Obligation, Specialty, Acceptance of Office, and Lis pendens entered or registered under the Provisions of an Act passed in the Session of the Seventh and Eighth Years of the Reign of Her present Majesty, intituled *An Act for the Protection of Purchasers against Judgments, Crown Debts, Lis pendens, and Commissions of Bankruptcy, and for providing One Office for the registering all Judgments in* Ireland, *and for amending the Laws in* Ireland *respecting Bankrupts and the Limitation of Actions*, as amended by the said Act of the Twelfth Year of Her Majesty, to facilitate the Transfer of Landed Property in *Ireland*, and the Act of the present Session, to amend the Laws concerning Judgments in *Ireland*, shall have the same Protection and Priority as if this Act had not been passed, a Registration of any Assurance, Will, or other Act under the Provisions of this Act being for the Purposes of this Enactment to be deemed to have the same Effect as a Registration by Memorial or otherwise under the Provisions of the Acts now in force for the Registration of such Assurance, Will, or Act respectively.

Entries of Decrees, Judgments, Rules, Statutes, Recognizances, Crown Debts, and Acceptances of Office under 7 & 8 Vict. c. 90. not affected.

LXI. Provided also, and be it enacted, That such Transfers and other Assurances of or relating to Shares in any public or private Works

Shares in Companies not to be affected.

Works or Undertaking of any Corporation, Company, or Society, as by virtue of any local or other Act of Parliament are or shall be required to be registered or otherwise entered or minuted in the Books of the Corporation, Company, or Society, shall not be affected in any Manner whatever by reason of the same not having been registered under the Provisions of this Act.

Punishment for forging Signatures required by this Act, or counterfeiting Impressions of the Seal of the Register Office.

LXII. And be it enacted, That if any Person shall forge, counterfeit, or imitate, or cause or procure to be forged, counterfeited, or imitated, or knowingly act or assist in forging, counterfeiting, or imitating, upon any Document upon which the Seal of the said Register Office is or shall be required or authorized to be impressed, the Impression or any Part of the Impression of the Seal of the said Register Office, or shall knowingly stamp or mark, or cause or procure to be stamped or marked, or knowingly act or assist in stamping or marking, any such Document with any forged or counterfeited Seal of the said Register Office, with the Intent to defraud any Person whomsoever, or shall forge or counterfeit, or cause or procure to be forged or counterfeited, or knowingly act or assist in forging or counterfeiting, the Name, Signature, or Handwriting of any Officer of the said Register Office, in any Case in which the Signature of such Officer is or shall be required or authorized to be made, or shall forge or counterfeit, or cause or procure to be forged or counterfeited, or knowingly act or assist in forging or counterfeiting, the Name, Signature, or Handwriting of any Person whomsoever to any Document which is or shall be required or directed to be signed by such Person, or shall, with an Intention to defraud any Person whomsoever, use any Document upon which any Impression or Part of the Impression of any Seal of the said Register Office shall have been forged, counterfeited, or imitated, knowing the same to be forged, counterfeited, or imitated, or any Document the Signature of which shall be so forged or counterfeited as aforesaid, knowing the same to be forged or counterfeited, every such Person so offending, being thereof lawfully convicted, shall be and is hereby declared and adjudged to be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be transported beyond the Seas for Life, or for any Term not less than Seven Years, or to be imprisoned for any Term not exceeding Four Years nor less than One Year.

Power to the Treasury to consolidate the Registrar of Judgments Office with the Office

LXIII. And whereas by the Operation of the Act of the present Session, "to amend the Laws concerning Judgments in *Ireland*," the Duties of the Office of the Registrar of Judgments will be diminished, and it may be expedient to discontinue the same as a separate Office: Be it therefore enacted, That it shall be lawful for the Commissioners

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of Her Majesty's Treasury, if they see fit, to order the Consolidation with the said Register Office of the Office established under the said Act of the Seventh and Eighth Years of Her Majesty, and to transfer to the said Register Office all or any of the Officers and Clerks appointed or authorized to be appointed under such last-mentioned Act, and to order that the Offices of all or any of such Officers and Clerks shall be abolished upon the Persons who may hold such Offices respectively at the Time of the making of such Order ceasing to hold the same, and to make such Order for the Regulation of the Business to be transacted in the said Register Office upon such Consolidation as the said Commissioners may see fit; and the Officers to whom any Duties of the said Office established under the said Act of the Seventh and Eighth Years of Her Majesty shall be transferred under such Order shall have as full Powers and Jurisdiction for all official Purposes, and be subject to the like Liabilities in respect of such Duties and the Performance thereof, as the Officers whose Duties shall be so transferred enjoyed or were subject to before such Consolidation; and all Books belonging to the said Office established under the said Act of the Seventh and Eighth Years of Her Majesty shall, on such Day as shall be mentioned in any Order of the said Commissioners, be deposited in the said Register Office, subject to the like Right of Access thereto, and upon the like Payment, as if the same had remained in the Office from which the same shall be removed.

established under 7 & 8 Vict. c. 90.

LXIV. And be it enacted, That in the Construction of this Act the following Words and Expressions shall have the Meanings hereby assigned to them, unless such Meanings be repugnant to or inconsistent with the Context; (that is to say,) Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number; Words importing the Masculine Gender shall include Females; the Word "Person," and Words applying to any Person or Individual, shall apply to and include Corporations, whether aggregate or sole; the Word "Lands" shall extend to all Manors, Messuages, Lands, Advowsons, Rectories, Tithes, Rents, and other Hereditaments whatsoever, whether corporeal or incorporeal, and also to any Estate or Interest in any such Manors, Messuages, Lands, Advowsons, Rectories, Tithes, Rents, or other Hereditaments, whether the same be a Freehold or a Chattel Interest, and whether legal or equitable; the Word "Assurance" shall extend to a Contract; the Word "Will" shall extend to a Codicil, and to an Appointment by Will or by Writing in the Nature of a Will in exercise of a Power; the Word "Person" shall extend to a Body Corporate as well as an Individual; the Word "Title" shall extend to a Power or Right to convey or otherwise

Interpretation of Terms.

otherwise affect Lands; the Word "Grantor" shall apply to any Person by whom Lands shall be conveyed, appointed, charged, or otherwise affected; and every Person claiming derivatively under any Assurance shall be considered as claiming under the same; and the Word "Addition" where the Addition of any Person whose Name is required by this Act to be entered in any Index to be kept at the said Register Office is hereby directed to be entered with such Name shall mean the Description as to Residence, Title, Rank, Profession, or Occupation.

Act may be amended, &c.

LXV. And be it enacted, That this Act may be amended or repealed in this present Session of Parliament.

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ANNO DECIMO TERTIO & DECIMO QUARTO

VICTORIÆ REGINÆ.

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relating to Proceedings by Attachment of Goods to compel Appearance in the Borough and other Courts of Record in *Ireland:* Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Commencement of this Act so much of said Act as authorizes and requires the Officer of any such Borough Court to seize the Goods of a Defendant, and to detain the same until the Defendant shall have given Special Bail to pay such Sum of Money as may be adjudged to the Plaintiff in the Suit, shall be and the same is hereby repealed.

So much of recited Act as regulates the special Bail to be given in Attachments out of Borough Courts against Goods, repealed.

II. And be it enacted, That from and after the Commencement of this Act it shall not be lawful for any Person to proceed in any such Court of Record in *Ireland* by way of Attachment of Goods to compel Appearance, or by way of Foreign Attachment, where the Debt or Damages sought to be recovered in such Action, and sworn to be due, shall not exceed the Sum of Twenty Pounds.

No Foreign or other Attachment to issue unless Debt, &c. exceeds 20*l.*

III. And be it enacted, That from and after the Commencement of this Act, in all Cases of Debt or liquidated Damages where the Sum sought to be recovered and sworn to in such Action shall exceed the Sum of Twenty Pounds, and in which the Plaintiff shall be desirous of proceeding in any such Court of Record by Attachment of Goods, in addition to the Statements now by Law required to be made in the Affidavit to be sworn and filed by or on behalf of the Plaintiff or Plaintiffs before the issuing of any Writ of Attachment of Goods to compel Appearance, it shall be necessary to show by such Affidavit that there is probable Cause for believing that the Defendant is about to abscond or to quit *Ireland*, or to remove, conceal, assign, or otherwise dispose of his Goods or Chattels with Intent to defraud his Creditors.

What Plaintiff's Affidavit must state where Plaintiff desires to proceed by Attachment of Goods, &c.

IV. And be it enacted, That from and after the Commencement of this Act in all Cases in which Goods shall be seized under or by virtue of any such Attachment, the same shall not be removed off the Defendant's Premises, if seized thereon, until the Expiration of such a Period of Time not exceeding Four Days as the said Defendant, by Notice in Writing to be delivered to the Bailiffs or other Persons who shall have seized the same, shall require; and it shall be sufficient, instead of giving Special Bail to pay such Sum of Money as may be adjudged to the Plaintiff as by the said recited Act or otherwise required, that Special Bail shall be given by the Defendant to pay all such Debt, Damages, Expenses, and Costs as shall be adjudged in that Cause to the Plaintiff against the Defendant, or to render the Body of the Defendant into the Custody of the Marshal

In Cases in which Goods shall be seized by Attachment, Special Bail by Defendant to be sufficient.

of the Marshalsea of the Four Courts of the City of *Dublin*, in case the Action shall be pending in the Court of the Borough of *Dublin*, or other Prison as herein-after provided of the Court out of which such Attachment shall issue, as the Case may be.

In default of Special Bail Appearance may be entered for Defendant.

V. And be it enacted, That in every Case in which the Goods of any Defendant shall be seized under any such Attachment, and the Defendant shall not give Special Bail in manner aforesaid within the Time now limited by Law for appearing to such Action or giving Special Bail, or according to the Course of the Court, it shall be lawful for the Plaintiff in such Action, upon filing a Certificate of the Marshal or other Officer of the Court having the Custody of the Goods so attached that the same are in his Custody for Want of Special Bail, to enter an Appearance or file Common Bail for the Defendant, and thereupon to serve on the Defendant Notice of such Appearance having been entered or Common Bail filed, by leaving with him or at his usual Place of Abode a Copy of such Notice, and such Service shall be verified on Oath in such Manner as the Court shall direct, and the Plaintiff may thereupon proceed to obtain Judgment, according to the Course of the Court, as if an Appearance had been duly entered by the Defendant.

Power to Defendant to get Goods appraised, and give Bail to the Amount of the Appraisement.

VI. Provided always, and be it enacted, That it shall be lawful for any Defendant to procure the Goods which shall have been seized under an Attachment, and before the Removal thereof, to be appraised, (the Appraisement to be made by such Person or Persons and in such Manner and within such Time as the Court shall by any General or Special Order direct,) and the Expenses of such Appraisement shall be defrayed in the first instance by the Defendant, but shall be Costs in the Cause, and abide the Event of the Suit; and in case the Goods seized shall amount in Value to less than the Sum for which the Attachment issued, it shall be sufficient for the Defendant to give Special Bail (in double the Amount of the appraised Value of the Goods) to pay all such Debt, Damages, Expenses, and Costs as shall be adjudged in such Cause to the Plaintiff against the Defendant, or to render the Body of the Defendant into the Custody of the Marshal of the Marshalsea of the Four Courts of the City of *Dublin*, in case such Action shall be pending in the said Court of the Borough of *Dublin*, or other Prison, as herein-after provided, of the Court out of which such Attachment shall issue, as the Case may be.

Mode of Surrender in discharge of Bail.

VII. Provided also, and be it enacted, That in all Cases in which the Attachment shall have issued out of the Court of Record of the Borough of *Dublin*, the Defendant who shall have been held to Special Bail as aforesaid may be rendered in discharge of his Bail

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to the Marshal of the Marshalsea of the Four Courts of the City of *Dublin;* and in all Cases in which the Attachment shall have issued out of any other Borough or other Court than the Borough Court of *Dublin*, the Defendant may be rendered in discharge of his Bail to the Marshalsea or other Prison of the Borough or other Court by which his Goods were attached, and if there be no such Prison of any such Borough or other Court, then to the Common Gaol of the County in which such Borough, Town, or Place, or such Part thereof in which his Goods were attached, shall be situate; and the Render to the said Marshalsea or Gaol shall be effected in the Manner following, that is to say, the Defendant or his Bail, or one of them, shall for the Purpose of such Render obtain an Order of the Court out of which the Writ of Attachment issued, and shall lodge such Order with the said Marshal or with the Gaoler of such Prison or Gaol, (as the Case may be,) and a Notice in Writing of the Lodgment of such Order, and of the Defendant's being actually in Custody of such Marshal or Gaoler by virtue of such Order, signed by the Defendant or the Bail, or either of them, or by the Attorney of any or either of them, shall be delivered to the Plaintiff's Attorney, and the Marshal or Sheriff, or other Person responsible for the Custody of Debtors in such Marshalsea Prison or Gaol, shall on such Render so perfected be duly charged with the Custody of such Defendant, and the said Bail shall be thereupon wholly exonerated from Liability as such.

Mode of Surrender if a Defendant already in Custody.

VIII. And be it enacted, That a Defendant who shall at any Time at or after the Commencement of this Act be in Custody of the Marshal of the said Marshalsea, or of the Gaoler of the Prison or Gaol of any County, County of a City, or County of a Town in *Ireland*, at the Time of the Seizure of his Goods, under any Writ of Attachment out of any such Borough or other Court, may give such Special Bail, and thereupon may forthwith be rendered to such Marshal or Gaoler of the Prison or Gaol in which such Defendant shall then be in Custody in discharge of his said Bail in any Action in such Court of Record in the Manner herein-before provided for a Render in discharge of Bail, and the Marshal or Sheriff or other Person responsible for the Custody of Debtors in such Marshalsea Prison or Gaol shall, on such Render, be charged with the Custody of such Defendant, and the said Bail shall be thereupon wholly exonerated from Liability as such.

If a Plaintiff shall not obtain Judgment for a Sum exceeding 20*l.*, the

IX. And be it enacted, That if the Plaintiff in any such Proceeding by way of Attachment shall not obtain Judgment for Debt or Damages for a Sum exceeding Twenty Pounds, he shall not be entitled to any Costs, but the Defendant shall be entitled to recover

recover his Costs from the Plaintiff, unless the Judge of the Court from which such Attachment shall have issued shall, within One Month after final Judgment, certify that the Plaintiff had reasonable Cause for filing an Affidavit of Debt for the full Amount for which such Attachment issued; and in case any such Defendant shall be entitled to his Costs from the Plaintiff as aforesaid, the Court shall, by a General or Special Order, limit the Period within which the Defendant shall have the Amount of such Costs taxed and ascertained, and until the Expiration of such Period, unless the Defendant's Costs shall be taxed and ascertained in the meantime, the Plaintiff shall be disabled from taking out any Execution for the Sum recovered by the Judgment; and in case the Defendant's Costs shall be ascertained within the Period aforesaid the Plaintiff shall take out Execution in such Sum only by which the Amount of the Judgment shall exceed the Amount of the taxed Costs of the Defendant; and in such Case, if the Sum recovered by the Judgment shall be less than the Amount of the Defendant's taxed Costs, then the Defendant shall be entitled, after deducting the Amount of the Judgment from the Amount of his taxed Costs, to take out Execution for the Balance of his taxed Costs in like Manner as a Defendant in any such Court may now have Execution for Costs in other Cases, or in such Manner as such Court may, by a general or any special Order, direct.

Defendant shall be entitled to Costs.

X. And be it enacted, That all Affidavits which may now be made before the Recorder or Mayor, Sovereign, or Seneschal of any Borough or of any such other Court, and all other Affidavits in Proceedings relating to Attachments or Foreign Attachments in any of the Borough or other Courts of Record in *Ireland*, may, from and after the Commencement of this Act, be sworn before the Town Clerk or the Registrar or Deputy Registrar of any such Borough or other Court, or before a Commissioner for receiving Affidavits and Special Bail in and for the Borough Court of *Galway*, whether such Affidavit is intended to be filed in the Court of which such Town Clerk, Registrar or Deputy Registrar, or Commissioner is an Officer, or in any other such Court in *Ireland;* and all Proceedings thereupon or in reference thereto shall be as valid and regular as if the same had been sworn before the Recorder or Mayor, Sovereign, or Seneschal of the Borough or Court in which the same shall be filed; and any Person who shall wilfully and corruptly make and subscribe any such Affidavit, knowing the same to be untrue, shall be deemed guilty of Perjury, and be liable to be prosecuted and punished accordingly.

Before whom Affidavits may be sworn.

XI. And be it enacted, That so much of the said herein-before mentioned Act of the Third and Fourth Years of the Reign of Her present Majesty as is inconsistent with the Provisions of this Act shall,

So much of 3 & 4 Vict. c. 108. repealed as is inconsistent

with this Act.

shall, from and after the Commencement of this Act, be and the same is hereby repealed.

Interpretation of Terms.

XII. And be it enacted, That in the Construction of this Act Words importing the Singular Number only shall include the Plural Number, and Words importing the Plural Number only shall include the Singular Number, and Words importing the Masculine Gender only shall include Females, unless there be something in the Subject or the Context repugnant to or inconsistent with such Construction.

Commencement of Act.

XIII. And be it enacted, That this Act shall commence and take effect on the First Day of *January* One thousand eight hundred and fifty-one.

Act may be amended, &c.

XIV. And be it enacted, That this Act may be amended, altered, or repealed by any Act to be passed in this Session of Parliament.

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8

ANNO DECIMO TERTIO & DECIMO QUARTO

VICTORIÆ REGINÆ.

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CAP. LXXIV.

An Act for the better Regulation of the Office of Registrar of Judgments in *Ireland*.

[14th *August* 1850.]

WHEREAS by an Act passed in the Seventh and Eighth Years of the Reign of Her present Majesty, intituled *An Act for the Protection of Purchasers against Judgments, Crown Debts, Lis pendens, and Commissions of Bankruptcy, and for providing One Office for the registering of all Judgments in* Ireland, *and for amending the Laws in* Ireland *respecting Bankrupts and the Limitation of Actions*, certain Provisions were made for the Regulation of the Office of the Registrar of Judgments thereby established, and it is expedient to make further and other Provision in that Behalf: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act it shall and may be lawful for the Registrar of Judgments appointed under or by virtue of the said Act, from Time to Time and at all Times, with the Approval of the Lord Chancellor of *Ireland*, in addition to the Clerks appointed or to be appointed under and by virtue of the said recited Act, to employ a sufficient Number of competent

7 & 8 Vict. c. 90.

Registrar of Judgments shall employ a sufficient Number of Clerks for searching and writing, who shall be

paid according to the Quantity of Work done, at the Rates herein specified.

competent Clerks to do the Business of searching and writing or engrossing in his Office, who shall be paid, according to the Quantity of their Work, for searching at the Rate of One Shilling for every Period of Twenty Years or fractional Portion thereof over which each Search against any One Person shall extend, and for writing at the Rate of Three Halfpence for every Seventy-two Words, each Figure in any Entry or Copy being counted as a Word; provided always, that no more than One Clerk shall be so paid in respect of each Common Search, and no more than Two in respect of each Negative Search; such Payments to be charged in the Incidental Expenses of the said Office in the Manner herein-after provided.

Proviso as to Number of Clerks.

Power to Treasury to authorize Salaries in addition to rateable Payments to Searching Clerks.

II. And be it enacted, That it shall and may be lawful for the Commissioners of Her Majesty's Treasury for the Time being to authorize the Payment of Salaries, in addition to the Payment hereinbefore directed, to as many of such additional Clerks employed in searching as they shall think proper and reasonable, with a view to ensure the Services of competent Persons, such Salaries not to exceed in any Instance the Sum of Fifty Pounds yearly, and to be payable for and during the Time such Clerk shall be so employed, and not longer or otherwise, and to be charged in the Incidental Expenses of the Office, in the Manner herein-after directed.

11 & 12 Vict. c. 120.

III. And whereas by the said recited Act, and by an Act passed in the Eleventh and Twelfth Years of the Reign of Her present Majesty, intituled *An Act to facilitate the Transfer of Landed Property in* Ireland, certain Fees are made payable in the said Office of Registrar of Judgments, and it is expedient that the said Fees should be converted into Stamp Duties: Be it therefore enacted, That from and after the Tenth Day of *October* One thousand eight hundred and fifty all and every the Fees authorized and made payable under and by virtue of the said recited Acts in the said Office of Registrar of Judgments shall cease and determine and be no longer payable in the said Office, and that in lieu thereof the several Documents and Memorandums left for Registry in the said Office, and other Proceedings therein, shall be liable to and impressed with the Stamp Duties in each Behalf respectively set forth in the Schedule hereunto annexed.

Fees in Office of Registrar of Judgments made payable under 7 & 8 Vict. c. 90. and 11 & 12 Vict. c. 120. to cease, and Stamp Duties to be substituted in lieu thereof.

Duties of Stamps as specified in Schedule to be in addition to other Duties payable by Law.

IV. And be it enacted, That there shall be granted, raised, levied, collected, and paid in *Ireland* unto Her Majesty, Her Heirs and Successors, for and in respect of the several Instruments, Articles, Matters, and Things mentioned, enumerated, and described in the Schedule to this Act annexed, the several Sums of Money and Duties as they are respectively set forth, inserted, and described in Words

and Figures in the said Schedule and in every Part thereof, over and above and in addition to any Stamp Duties or other Duties payable or to be payable by Law for or in respect of the said several Matters and Things or any of them, and that the said Schedule, and every Clause, Matter, and Thing therein contained, shall be and be deemed, taken, and considered Part of this Act.

Duties heretofore provided to be denoted Judgments Registry Duties.

V. And whereas by the said first-recited Act it is provided, that every Docket or Requisition for a Negative or Common Search in the said Office shall be liable to a Stamp Duty of One Pound on every Docket or Requisition for a Negative Search, and a Stamp Duty of Seven Shillings on every Docket or Requisition for a Common Search, against each Person, which said Duties are impressed, denoted, and collected as Law Fund Duties, and it is expedient to make other Provision in that Behalf, in order that a distinct Account may be kept of the Produce of the said Office: Be it therefore enacted, That the said Duties shall cease to be impressed, denoted, and collected as Law Fund Duties, and shall be impressed, denoted, and collected as Judgments Registry Duties, in like Manner with the Duties mentioned in the Schedule to this Act annexed.

Duties to be under Management of Commissioners of Inland Revenue.

VI. And be it enacted, That the said Duties and the Duties hereby granted shall be under the Care and Management of the Commissioners of Inland Revenue, who shall keep a distinct Account thereof, and shall be denoted and distinguished by the Words "Judgments Registry," and shall be deemed and construed to be Stamp Duties, and that the several Rules, Regulations, Provisions, Penalties, Clauses, and Matters contained in any Act now or hereafter to be in force with reference to Stamp Duties shall be applicable thereto.

Provisions of recited Acts as to Application of Fees and Payment of Salaries &c. repealed.

VII. And be it enacted, That the Provisions in the said hereinbefore recited Acts contained requiring the said Registrar to make Application of the Fees of his Office by Payment of Salaries and Compensations and otherwise, and to account for and lodge Balances as therein directed, shall be and they are hereby repealed and annulled.

Compensations charged on Fees to be charged on Consolidated Fund.

VIII. And whereas by the said recited Act of the Seventh and Eighth Years of the present Reign it is provided, that certain Compensations therein mentioned shall be paid by the said Registrar of Judgments out of the Produce of the Fees of his Office, and that if the said Fees shall be insufficient the Commissioners of the Treasury shall be at liberty to direct that any Deficiency shall be paid out of the Consolidated Fund; and inasmuch as the said Fees are hereby converted into Stamp Duties, it is necessary that such Compensations should be charged directly on the Consolidated Fund: Be it therefore enacted,

enacted, That the several Compensations in and by the said Act directed shall be charged and chargeable and paid and payable out of the Consolidated Fund of the United Kingdom, on the Days and at the Periods appointed for the Payment of Salaries and Allowances chargeable thereupon.

Salaries to be paid out of Consolidated Fund.

IX. And be it enacted, That the Salaries by the said Act appointed to be paid to the said Registrar of Judgments and to his Clerks, and any Salaries to be hereafter legally appointed to be paid to such Registrar or any Clerks to be employed in his Office, shall be charged and chargeable and paid and payable out of the Consolidated Fund of the United Kingdom, on the Days and at the usual Periods appointed for the Payment of Salaries chargeable thereupon; and for Provision for the necessary Incidental Expenses of the said Office the said Commissioners of the Treasury shall pay or cause to be paid, at such Time or Times and in such Manner as they shall think proper, to the said Registrar of Judgments, such Sum or Sums as they shall ascertain to have been necessarily incurred in each and every Quarter, as and for the Payments to Clerks for searching and writing in the said Office, and as and for Books, Stationery, Coals, Candles, Servants, and other Incidental Expenses; and for the Ascertainment of the said Expenses the said Registrar shall quarterly, at such Periods as shall be directed by the Commissioners of the Treasury, furnish to them an Account thereof, vouched in such Manner as the said Commissioners may from Time to Time or at any Time require and direct.

Incidental Expenses.

Registrar of Judgments shall give Certificates of Registry, &c.

X. And be it enacted, That upon the Lodgment of any Memorandum for the Registry or Re-entry of any Judgment, or Revival, Decree, Rule, Order, Crown Bond, Recognizance, or Lis pendens, or of any Satisfaction, Vacate, or Quietus, in the said Office, the said Registrar of Judgments shall thereupon give a Certificate signed by him of such Registry or Re-entry, with a Reference to the Books of the Office, whereby the Entry thereof may be readily found, and which Certificate shall contain such Particulars as may be necessary for Identification, and shall be Evidence of such Registry or Re-entry; and it shall be lawful for the said Registrar and he is hereby required, whenever thereunto requested, to give a like Certificate containing the like Particulars of any Judgment, or Revival, Decree, Rule, Order, Crown Bond, Recognizance, Lis pendens, or of any Satisfaction, Vacate, or Quietus, registered at any Time in his said Office or contained in the Books thereof; and for every such Certificate the said Registrar shall be entitled to receive a Fee of Sixpence, and no more.

XI. And

XI. And be it enacted, That all Costs properly incurred in the Registration of Judgments, Warrants to confess Judgments, Pleas of Confession, and Consents for Judgment, in pursuance of the several Acts now in force concerning the same, or any of them, shall in each and every Case respectively be allowed in Taxation of Costs of Suit against the Cognizor or Defendant, and be added to and charged and recoverable in like Manner, and together with the Amount of the Judgment so registered, or of any Judgment entered or to be entered upon any Warrant of Attorney, Plea of Confession, or Consent for Judgment so registered as aforesaid.

Costs of Registration of Judgments, &c. to be added to Judgment, and recoverable therewith.

XII. And be it enacted, That the said Registrar of Judgments shall be and be deemed to be an Officer of the Court of Chancery and of each of the Superior Courts of Common Law, and subject to the Orders of the said Courts respectively in all Matters transacted in his Office, and all Entries made or to be made in the Books thereof exclusively relating to or connected with the Business or Records of such Courts respectively, or of the Offices thereof respectively.

Registrar of Judgments shall be an Officer of each Court in respect to the Business thereof.

XIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

Act may be amended, &c.

SCHEDULE to which this Act refers.

DUTIES of STAMPS which are to be paid and payable in IRELAND for and in respect of several Instruments, Matters, and Things herein mentioned, used, filed, registered, recorded, or issued in the OFFICE of REGISTRAR of JUDGMENTS.

	s.	d.
On every Memorandum for the Registration of any Judgment or Rule for Judgment, or for the Registration of any Decree, Order, or Rule, according to the Directions of the Act 7 & 8 Vict. c. 90. - - - - -	5	0
On every Memorandum for the Re-entry of any Judgment, Decree, Order, or Rule, according to the Provisions of the said Act - - - - - -	1	0
On every Memorandum for the Registration of any Lis pendens, according to the Provisions of the said Act -	2	6
On every Memorandum for the Re-entry of any Lis pendens, according to the Provisions of the said Act - -	1	0
On every Memorandum for the Registration of any Recognizance, Bond, Judgment, or other Obligation to the Crown, or of any Quietus thereof, according to the Provisions of the said Act - - - -	2	6
On every Requisition for Liberty to search in the Books of the said Office, according to the Provisions of the said Act, and without which Requisition no such Search is to be permitted; for each Person searched against - -	1	0
On every Memorandum for the Registration of the Satisfaction or Vacate of any Judgment, Crown Bond, or Recognizance, Decree, Rule, or Order, or for the re-docketting of any Crown Bonds or Recognizances, according to the Provisions of the Act 11 & 12 Vict. c. 120. -	2	6
On every Requisition for Liberty to search the Books containing recorded Copies of the Negative Searches in the said Office, according to the Provisions of the said Act, and without which Requisition no such Search is to be permitted; for each Person searched against - -	1	0
On every Attested Copy of a Search recorded pursuant to the said Act, when such Copy shall not exceed Three Folios of Seventy-two Words - - - -	1	0
When such Copy shall exceed Three Folios, for every Folio	0	4

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Time to Time make such Orders and Regulations as they should think fit touching the Amount of the Fees to be received by the said Officer in respect of the Matters and Things required to be done and executed by the said Officer: And whereas it is expedient to ascertain the Amount of Fees received under the said Enactments by the said Master and the said Officer respectively, and, in case of Successions and Appointments to their Offices, that the said Fees and Emoluments payable in respect of their several Duties under the said Enactments should not exceed a reasonable Remuneration: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from the Thirtieth Day of *September* next the said Master and the said Officer respectively shall cause all Fees received by them under the said Enactments, and all Disbursements made thereout for necessary Expenses, to be duly entered in One or more Books to be kept for that Purpose in their Offices, distinguishing the Fees received under their several Heads, and also the Particulars and Amount of every Disbursement; and shall quarterly, within One Month after the Thirty-first Day of *December*, the Thirty-first Day of *March*, the Thirtieth Day of *June*, and the Thirtieth Day of *September* in each Year, render a true and faithful Account in Writing to the Commissioners of Her Majesty's Treasury of all such Fees and Disbursements, in such Form of Account, and with such Particulars of Receipt, or otherwise, and accompanied by such Vouchers, as the said Commissioners shall from Time to Time think proper to require and direct; and if upon Examination of any such Account it shall appear to the said Commissioners that any Fees have not been duly accounted for, or that any unreasonable or improper Charge or Deduction has been made in such Account, the said Commissioners may finally settle and adjust the same as they may think reasonable, and the said Master or the said Officer by whom such Account shall have been rendered shall alter and amend the said Account accordingly; and the said Master and the said Officer respectively shall, when required so to do, submit their Books of Account to the Inspection of the said Commissioners or any Person whom they may employ for that Purpose.

Officers to render an Account to the Treasury.

II. And be it enacted, That the said Commissioners may reduce, when and as often as Occasion may require, and so far as may be reasonable, the Amount of Fees and Emoluments to be allowed under the said Acts as Remuneration to any Persons who shall hereafter succeed to the said Office of Senior Master of the Court of Common Pleas, and to any Person who shall be appointed, or shall have been appointed after the Twelfth Day of *March* last past, to the

On future Vacancy Fees may be reduced.

the Office of the said Officer in the said Court, so as that the Amount received by the said Master and the said Officer respectively for their own Use shall not exceed a Sum to be fixed by the said Commissioners from Time to Time, having regard to the Nature, Duties, and Responsibility of the said Offices respectively; and the said Commissioners shall give Notice under their Hands to the Holders of the said Offices respectively of the said Amount so fixed from Time to Time, and after giving such Notice the said Commissioners may direct that the Surplus of the Fees and Emoluments received by the said Master and the said Officer respectively shall, after deducting such fixed Sum and such Disbursements as aforesaid, be paid into the Receipt of the Exchequer, to the Credit of and as Part of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland.*

Notice to be given to the Treasury of any new Appointment.

III. And be it enacted, That no Person who shall after the passing of this Act succeed or be appointed to the Office of the said Senior Master or of the said Officer shall be entitled to any Part of the Fees or Emoluments of the said Offices respectively, until he shall have given Notice in Writing of his Succession or Appointment to such Office to the said Commissioners of Her Majesty's Treasury; and until such Notice shall have been given all such Fees and Emoluments shall be accounted for to the said Commissioners of Her Majesty's Treasury, and be paid into the Receipt of the Exchequer as aforesaid.

Disbursements not to be increased without Consent of Treasury.

IV. And be it enacted, That the said Master and the said Officer respectively for the Time being shall not make any Addition to the Number of Persons employed in performing the Duties in respect of which the said several Fees are levied, or to the Amount of Remuneration to be paid or allowed to any Person so employed, so as to increase the Disbursements charged by the said Master and Officer respectively, without the Consent in Writing of the said Commissioners of Her Majesty's Treasury.

Act may be amended, &c.

V. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

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CAP. LXXVI.

An Act to provide for the Division of the Deanery of *Saint Burian* into Three Rectories, and for abolishing the Royal Peculiar of *Saint Burian*.

[14th *August* 1850.]

WHEREAS the Deanery and Rectory of *Saint Burian* in the County of *Cornwall*, being a Benefice Donative in the free Gift of His Royal Highness *Albert Edward* Prince of *Wales* and Duke of *Cornwall* in right of His said Duchy, comprises the Three several Parishes and Churches of *Saint Burian*, *Saint Sennen*, and *Saint Levan* in the said County: And whereas the said Church of *Saint Burian* was in Times past reputed to be a Collegiate Church, with divers Prebends thereto belonging, but the Prebendal Possessions have long since been alienated and lost, and Prebendaries have ceased to be appointed, and there is now no Parochial Priest or Incumbent of the said several Parishes other than the Dean of *Saint Burian*: And whereas it has been represented to Her Majesty by the Council of His Royal Highness, that it would promote the Spiritual Interests and better Pastoral Superintendence of the Inhabitants of the said Parishes if the said Deanery were dissolved and abolished, and adequate Provision made for a resident Incumbent in each of the said Parishes; but such beneficial Arrangement cannot be effected without the Aid and Authority of Parliament: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That immediately upon the next Avoidance of the said Deanery and Rectory it shall become and be dissolved and extinct, and the said Church of *Saint Burian* shall, as well in Law as in Fact, cease to be a Collegiate or Prebendal Church,

The Deanery to be extinguished on Avoidance, and Three Rectories created.

Church, and each of the said Three several Parishes shall thereupon become and be to all Intents and Purposes and for ever a distinct and separate Parochial Rectory and Benefice Presentative with Cure of Souls, the Patronage and Advowson of each and every of which said new Benefices shall thenceforth be annexed to and become for ever Parcel of the Possessions of the Duchy of *Cornwall;* and all the Tithes, Rent-charges in lieu of Tithes, Oblations, Obventions, Fees, Dues, Offerings, and other Rights, Revenues, and Emoluments whatsoever, now and heretofore of right payable, due, or belonging to the said Dean, within each and every of the said several Parishes, shall thenceforth for ever become and be of right payable and due and belong to the Rector for the Time being of each and every of the said Parishes respectively, and shall and may be demanded and recovered by such Rector as if the same had immemorially belonged to his said Rectory, and every such Rector shall be deemed and taken to be seised in right of his said Church of and in the Parish Church and Site thereof, the Churchyard, Glebe, Tithes, Rent-charges, and all other Tenements and Hereditaments whatsoever hereby annexed to his said Rectory; and each and every of the said Parochial Churches and Rectories shall thenceforth become subject to the general Laws, Statutes, and Customs of the Realm touching other like Churches and Rectories, and the Rector thereof for the Time being shall thenceforth have and enjoy all the Rights, Remedies, Powers, Privileges, and Capacities, and shall be subject to all the Obligations, Duties, Liabilities, Burdens, and Disabilities, which by the same Laws, Statutes, and Customs of right belong, attach, or are incident to or incumbent upon other like Parochial Rectors, and shall be amenable to the like Spiritual Jurisdiction, Visitation, and Correction as other Rectors of Parish Churches within the Archdeaconry of *Cornwall.*

Endowment of each Rectory.

Appointment of Churchwardens and Parish Clerk.

II. And be it enacted, That upon and after the Dissolution and Extinction of the Deanery as aforesaid there shall for ever be in each of the said several Parishes Two Churchwardens only, of whom one shall be annually named and appointed by the Rector of the said Parish, and the other chosen by the Inhabitants of the same Parish in Vestry assembled; and the first Election of the said Churchwardens shall be in *Easter* Week next after the Induction of the first Rector of the said Parish, until which Election the Churchwardens for the Time being of the said Parish shall continue in Office; and so soon as the Office of Parish Clerk or of Sexton shall become vacant in any of the said several Parishes the Right to name and appoint to the said Offices respectively shall for ever vest and remain in the Rector for the Time being of the said Parish, and the Clerk and Sexton so appointed shall be entitled, in each and every of the said Parishes, to all the lawful Fees, Salaries, and Emoluments heretofore paid or payable to such Parish Clerk and Sexton respectively, or hereafter fixed and allowed by lawful Authority.

All Statutes for the Acquisition of

III. And be it enacted, That all the Powers and Provisions contained in any public Statutes which shall be in force and unrepealed

at

at the Dissolution of the said Deanery, for the Purchase or Acquisition of Glebes, Parsonage Houses, or Sites for Parsonage Houses, or for the building, rebuilding, and Improvement thereof, shall be deemed and taken to apply to the Purchase, Acquisition, building, rebuilding, and Improvement of Glebes, Parsonage Houses, and Sites for Parsonage Houses for the said several Rectories, when the same shall come into existence by the Operation of this Act.

Glebes and Parsonages to apply to the new Rectories.

IV. And be it enacted, That if it shall be deemed expedient by the Council of His Royal Highness to provide for the Residence of such future Rectors, or of any of them, before the Dissolution of the said Deanery, then it shall be competent for the said Council for that Purpose to purchase, acquire, and accept any suitable House, Houses, or Sites for Houses; and all the Powers and Provisions of an Act passed in the Session of Parliament holden in the Seventh and Eighth Years of the Reign of Her present Majesty, intituled *An Act to enable the Council of His Royal Highness* Albert Edward *Prince of* Wales *to sell and exchange Lands and enfranchise Copyholds, Parcel of the Possessions of the Duchy of* Cornwall, *to purchase other Lands, and for other Purposes*, so far as the said Act relates to the Purchase of Lands for and on behalf of His said Royal Highness, and the Sale and Conveyance of such Lands to His Royal Highness by incorporated Bodies, Trustees, Tenants of limited Interests, and Guardians and Committees of Infants and incapacitated Persons, shall be deemed and taken to apply to the Purchase, Acquisition, Acceptance, and Conveyance of such Houses or Sites for the Purpose aforesaid; and all Land and Houses so acquired, and conveyed to His Royal Highness in the Form specified in the Second Schedule of the said Act, or otherwise, shall continue vested in His Royal Highness, His Heirs and Successors, in trust for the Purpose aforesaid; and when and so soon as any future Rector for whom such Land or House shall have been provided shall be inducted, he shall immediately become sole seised thereof in right of his Church, and the same shall for ever become Parcel of his Rectory, and the legal Estate, Title, and Interest of His Royal Highness, His Heirs and Successors, therein, shall thereupon be divested and cease.

Power to acquire Sites and Parsonages before the Dissolution of the Deanery.

7 & 8 Vict. c. 65.

V. And whereas the Deanery of *Saint Burian* is reputed to be a Royal Peculiar, and the Dean thereof claims and has exercised Peculiar and Exempt Jurisdiction in Ecclesiastical Causes within a District co-extensive with the said Deanery; and it is expedient that the said Peculiar should be abolished: Be it therefore enacted, That when and so soon as the said Deanery shall become extinct by the Operation of this Act, or at such earlier Time as may be appointed in the Manner herein-after provided, the said Peculiar and Exempt Jurisdiction shall wholly cease and become extinct, and the Inhabitants of the said District, and all Parish Clerks, Churchwardens, and other Ecclesiastical Officers within the District, shall thereupon become amenable and subject to the Ecclesiastical Jurisdiction of the Archdeacon of *Cornwall* and the Bishop of *Exeter*, in like Manner as in other Parishes and Places in the County of *Cornwall*, and the said Three

Peculiar of Saint Burian to be wholly abolished.

Deanery of Saint Burian Division.

Three several Parishes herein-before named shall thenceforth to all Intents and Purposes become Part of and be held and reputed to be within the Archdeaconry of *Cornwall:* Provided always, that if it shall be deemed expedient to abolish the said Peculiar and Exempt Jurisdiction before the next Avoidance of the said Deanery, the Time at which the same shall so cease and become extinct shall be appointed by an Instrument executed by and with the Consent and Concurrence and under the several Seals of His said Royal Highness the Duke of *Cornwall*, of the Lord Bishop of *Exeter*, and of the now Dean and Rector of *Saint Burian*, and deposited in the Episcopal Registry of the Diocese of *Exeter*.

Wills, &c. to be transferred to the Registry of the Archdeacon of Cornwall.

VI. And be it enacted, That when and so soon as the said Peculiar and Exempt Jurisdiction shall cease and become extinct all the Registers and Records then remaining in the Registry of the said Peculiar, and all Wills, Acts of Court, Bonds, Books, Official Seals, Instruments, Minutes, Papers, and Documents whatsoever touching or belonging to the said Peculiar, and in the Custody or Power of the said Dean, or of his Registrar or other Officer for the Time being, shall be forthwith transmitted and transferred to and deposited in the Registry of the Archdeaconry of *Cornwall*, and become Part of the Records of the said Archdeaconry.

Payment of Tenths to Queen Anne's Bounty to be apportioned.

VII. And whereas Two several Payments, amounting in the whole to the Sum of Five Pounds Sixteen Shillings and Nine-pence, have been heretofore annually made by the said Dean of *Saint Burian* to the Governors of the Bounty of Queen *Anne*, for Tenths of the said Deanery and Rectory, and upon the Abolition of the said Deanery it is just and reasonable that the said Sum should be so apportioned that each of the said new Rectories shall be charged only with a fair Proportion thereof: Be it therefore enacted, That from and after the next Avoidance of the said Deanery and Rectory, and thenceforth for ever, the said new Rectories shall be and become respectively charged with the annual Payment to the said Governors, for Tenths, of the several Sums following, and with no other or larger Sums; that is to say, the Rectory of *Saint Burian* with the Sum of Three Pounds Four Shillings, the Rectory of *Saint Levan* with the Sum of One Pound Eight Shillings and Sixpence, and the Rectory of *Saint Sennen* with the Sum of One Pound Four Shillings and Three-pence; which said several Sums shall become annually due and payable at the same Feast Day at which the Tenths are now by Law payable, and shall be recoverable by the same Remedies by which the Tenths are now recoverable.

Act may be amended, &c.

VIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

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and Annuity of 3,000*l.* to the Princess Mary of Cambridge.

Twelve thousand Pounds for his natural Life, and to Her Royal Highness the Princess *Mary* of *Cambridge*, or to such Person or Persons as Her Majesty shall think fit to be named in such Letters Patent, and his, her, or their Heirs, to the Use of or in trust for Her said Royal Highness, an Annuity not exceeding Three thousand Pounds for Her natural Life, which said Annuities shall be free from all Taxes, Assessments, and Charges, and shall commence from the Ninth Day of *July* One thousand eight hundred and fifty, and shall be paid quarterly, on the Tenth Day of *October*, the Fifth Day of *January*, the Fifth Day of *April*, and the Fifth Day of *July*, with proportionate Parts of such respective Annuities from the last quarterly Day of Payment to the Day of the Determination thereof, the First Payment of such respective Annuities to be made on the Tenth Day of *October* next of such Proportion thereof as shall have accrued between the Commencement thereof and such Tenth Day of *October*; and such Annuities shall be charged on and payable out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* (after paying or reserving sufficient to pay such Sums as have been directed to be paid out of the same by former Acts of Parliament, but with Preference to all other Payments which may hereafter be charged upon the said Fund).

The Annuity of the Duke of Cambridge to cease if he should become Sovereign of any Foreign State.

II. And whereas, should there be a Failure of Issue Male of His Majesty *Ernest Augustus* King of *Hanover*, it may happen that the Duke of *Cambridge* may inherit that Kingdom: Be it enacted, That in case His said Royal Highness the Duke of *Cambridge* shall become King of *Hanover*, or Sovereign or Ruler of any Foreign Kingdom or State, the Annuity to be granted to him as aforesaid shall from thenceforth cease.

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Middlesex, late in the Occupation of Her late Majesty *Adelaide* the Queen Dowager, and all Outhouses and other Buildings, Courts, Yards, Gardens, Grounds, and Appurtenances to the said Capital Messuage or Mansion belonging or appertaining, to or in trust for His Royal Highness *Albert Edward* Prince of *Wales*, in such Manner that he may have and enjoy the same immediately after he shall have attained the Age of Eighteen Years, and thenceforth during the Term of the joint Lives of Her Majesty and His said Royal Highness.

General Saving.

II. Saving to all Persons and Bodies Politic and Corporate (other than the Queen's Majesty, and any Person seised or possessed in trust for Her Majesty,) all such Right, Title, Interest, and Demand whatsoever, in, to, or out of the said Capital Messuage or Mansion and Premises, as they or any of them had before the passing of this Act, or might have had if this Act had not been passed.

III. And whereas Her said late Majesty enjoyed with the said Capital Messuage or Mansion certain Coach-houses and Stables formerly belonging to *Carlton Palace*, which it may be expedient to take down under the Powers of an Act of the Seventh Year of King *George* the Fourth, intituled *An Act to extend to* Charing Cross, *the* Strand, *and Places adjacent, the Powers of an Act for making a more convenient Communication from* Marylebone Park; *and to enable the Commissioners of His Majesty's Woods, Forests, and Land Revenues to grant Leases of the Site of* Carlton Palace: Be it enacted, That it shall be lawful for the Commissioners of Her Majesty's Treasury to direct and authorize the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings to provide suitable Coach-houses and Stables on Ground belonging to *Marlborough House* aforesaid, and for that Purpose to apply all or any of the Materials of the said Coach-houses and Stables formerly belonging to *Carlton Palace*, and to pay and apply out of any Monies applicable to the Purposes to which Monies arising from the Sale of any of the Possessions and Land Revenues of the Crown in *England* are to be applied such Sum or Sums of Money as may be necessary, not exceeding in the whole the Sum of Five thousand Pounds.

7 G. 4. c. 77.

Treasury may direct Commissioners of Woods, &c. to provide Coach-houses or Stables on Ground belonging to Marlborough House.

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Marylebone *to the North-east End of* Ballard's Lane, *abutting upon the North Road, in the Parish of* Finchley, *with a Branch therefrom, in the County of* Middlesex, an Act of the Fifth and Sixth Years of King *William* the Fourth, intituled *An Act to incorporate the* Avenue Road *in the Parish of* Saint Marylebone *with the* Marylebone *and* Finchley *Turnpike Roads in the County of* Middlesex, an Act of the Eighth Year of King *George* the Fourth, intituled *An Act for more effectually repairing and maintaining the Road from* Whitby *to* Middleton *in the County of* York, and an Act of the Ninth Year of King *George* the Fourth, intituled *An Act for more effectually repairing and maintaining several Roads leading from* Lymington *in the County of* Southampton, *and the Road to* Wilverley Post *in the* New Forest, and except as herein-after mentioned.

5 & 6 W. 4. c. xxiii.

7 & 8 G. 4. c. liii.

9 G. 4. c. cvii.

Acts in Schedule to this Act continued till 1st Nov. 1851.

II. And be it enacted, That the Acts mentioned in the Schedule to this Act annexed shall continue in force until the First Day of *November* in the Year One thousand eight hundred and fifty-one, and no longer, unless Parliament shall in the meantime continue the same respectively.

Power to Trustees to reduce or take off Tolls on Lime used in Agriculture.

III. And be it enacted, That it shall be lawful for the Trustees or Commissioners of any Turnpike Road, in case it appear to them expedient so to do, and notwithstanding any Provisions of any local Act affecting such Road, and without the Consent of any Person or Persons entitled to Money borrowed and remaining due on the Credit of the Tolls of such Road, from Time to Time at any General Annual or other Meeting of such Trustees or Commissioners, (of which Meeting and of the Purposes thereof, so far as the same relate to the Exercise of the Powers given by this Enactment, such Trustees or Commissioners shall cause Notice to be given in some Newspaper usually circulated in the County or Counties in which such Road is situate,) to reduce or wholly take off the Tolls on Horses, Beasts, Cattle, and Carriages employed in carrying or conveying Lime on such Road for the Improvement of Land, and afterwards at any such Meeting (of which Notice shall be given as aforesaid) from Time to Time as they see Occasion to advance or reimpose the Tolls so reduced or taken off, but so that such Tolls shall not be advanced beyond the Amount or Amounts authorized to be taken by the Act or Acts of Parliament granting such Tolls: Provided always, that no such Order for reducing, taking off, advancing, or reimposing such Tolls shall take effect until the same has been submitted to and sanctioned by One of Her Majesty's Principal Secretaries of State; provided also, that where the Tolls of such Road have been let to farm by the Trustees or Commissioners of such Road, no such Order reducing or taking

taking off such Tolls shall take effect until the Expiration of the subsisting Contract or Agreement for the farming or letting thereof.

Provision in 12 & 13 Vict. c. 87. for forming a Sinking Fund extended to Debts contracted before passing of said Act.

IV. And whereas by an Act of the last Session of Parliament, intituled *An Act to continue certain Turnpike Acts in* Great Britain *for limited Periods, and to make certain Provisions respecting Turnpike Roads in* England, it was enacted, that in every Case in which the Trustees or Commissioners of any Turnpike Road should thereafter borrow, charge, or secure any Sum or Sums of Money on the Credit of the Tolls arising on such Road, such Trustees or Commissioners should, out of the Tolls of such Road, and in priority to all other Payments, except such Interest as therein mentioned, set apart a Sum of Five Pounds *per Centum per Annum* on the Amount of Money so borrowed, charged, or secured, and when and so often as the Sums so set apart should amount to Two hundred Pounds, the Trustees or Commissioners of the Road, out of the Tolls of which such Sum had arisen, should at any General Annual or other Meeting of such Trustees or Commissioners apply such Sum in Payment of a proportionate Part of the Monies borrowed, charged, or secured as aforesaid in manner therein mentioned: And whereas it is expedient to extend such Enactment to Debts contracted on the Security of the Tolls of any Road before the passing of the said Act, but subject to the Proviso herein-after contained: Be it therefore enacted, That where the Trustees or Commissioners of any Turnpike Road had before the passing of the said Act borrowed, charged, or secured any Sum or Sums of Money on the Credit of the Tolls arising on such Road, and any such Money shall remain unpaid and unsatisfied at the Time of the passing of this Act, such Trustees or Commissioners shall, out of the Tolls of such Road, after Payment thereout of the Interest on any Monies owing on the Security of the said Tolls, and such Sums as may be required to be set apart under the said recited Enactment, and all other annual Liabilities (if any) of their Trust, and the necessary Expenses of the Repairs of such Road, and of the Salaries of their Officers, and all other necessary Expenses of their Trust, set apart a Sum of Five Pounds *per Centum per Annum* on the Amount of Principal Money so borrowed, charged, or secured before the passing of the said Act, and remaining unpaid and unsatisfied as aforesaid, or such lesser Sum as may from Time to Time remain after such Payment as aforesaid; and when and so often as the Sums so set apart shall amount to the Sum of Two hundred Pounds, the Trustees or Commissioners of the Road out of the Tolls of which such Sum has arisen shall apply such Sum in or towards Payment of the Monies so borrowed, charged, or secured as aforesaid, and then remaining unpaid, in manner provided by the said Act with respect to the Application

cation of Money arising from the Sums set apart as therein mentioned, in or towards the Discharge of Monies borrowed, charged, or secured after the passing of such Act: Provided always, that it shall be lawful for One of Her Majesty's Principal Secretaries of State, if upon the Application of the Trustees or Commissioners of any Turnpike Road he see fit so to do, by Order in Writing under his Hand, to authorize such Trustees or Commissioners not to set apart any Sum as herein-before required, or to set apart a less Sum *per Centum per Annum* than the Sum herein-before mentioned, and it shall be lawful for such Secretary of State from Time to Time to vary or revoke any such Authority, and such Order shall be binding on such Trustees or Commissioners: Provided also, that where Provision is made under any local Act for forming a Fund for the Discharge of the Monies borrowed, charged, or secured on the Tolls of any Turnpike Road, this Enactment shall not extend to the Trustees or Commissioners of such Road.

Secretary of State may authorize Trustees not to set apart a Sinking Fund.

Enactment not to interfere with Sinking Funds under local Acts.

Mortgagee under Acts of the present and future Session not to enter such Possession while Interest is punctually paid.

V. And be it enacted, That where any Mortgage of the Tolls of any Turnpike Road shall be made under the Powers of any Act passed or to be passed in or after the present Session of Parliament (other than an Act continuing the Term of any existing Act), no Holder of such Mortgage shall be entitled to enter into possession of all or any of the Toll Gates, Bars, Chains, Toll Houses, or Buildings upon such Road in case and so long as the Interest on the Mortgage Debt thereby secured up to the last half-yearly or other periodical Day on which such Interest is payable be paid within One Month after such Day as aforesaid, or within One Month after the same is demanded (which shall last happen), and where any Mortgagee in Possession as aforesaid has been fully paid all Interest up to the last half-yearly or other such periodical Day as aforesaid, together with any Costs he may be entitled to retain out of the Tolls of the Road, he shall, within Twenty-one Days after such Payment, render to the Trustees or Commissioners of such Road an Account of his Receipts as such Mortgagee in Possession and of the Application thereof, and shall pay the Balance (if any) in his Hand to the Treasurer of such Road; and shall deliver Possession of all Toll Gates, Bars, Chains, Toll Houses, and Buildings of which he may have been in possession, to the said Trustees or Commissioners or to some Person appointed by them, and where no half-yearly or other periodical Day is fixed by such Mortgage or otherwise for the Payment of Interest, such Interest shall for the Purposes of this Provision be deemed to be payable on the First Day of *May* and the First Day of *November* in every Year.

Limitation of Three Years before Union

VI. And whereas in the Act to facilitate the Union of Turnpike Trusts it is enacted, that Three Years must expire before any other

other Trust or united Trusts can be united to any united Trust; and it is expedient further to promote the Union of Turnpike Trusts: Be it enacted, That the said Restriction requiring that Three Years must expire before such further Union can be effected be repealed.

of united Trusts, repealed.

VII. And whereas Divisions or Districts are formed in certain Trusts according to the Provisions of the Acts constituting the same, and it is expedient that Power should be given to unite such Divisions or Districts into One Trust, or to enable such Divisions or Districts, either separately or collectively, to unite with other Trusts: Be it enacted, That every Division or District formed under any Act by which any Turnpike Trust is constituted shall, for the Purposes of determining upon and effecting such Union as aforesaid, be entitled to act as if it were a separate Trust, and may as such, subject to all the Provisions of the Act to facilitate the Union of Turnpike Trusts, and in the Manner and under the Conditions therein provided, unite with any or all of the other Divisions or Districts in the same Trust, or with any other Trust or united Trust; and if united with any other Trust or united Trust, the Act by which the Trust is established to which any such Division or District shall belong, save and except such Parts of the same as may require the joint Action of the Division or District separated with the other Divisions or Districts from which it shall be separated, and save and except such Parts as shall relate exclusively to such other Divisions or Districts, shall be to all Intents and Purposes the Act constituting the Trust for the said Division or District thus separated from the other Divisions or Districts formed under the same Act.

For facilitating the Union of Divisions or Districts into One Trust.

VIII. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Instruments, it shall be sufficient to use the Expression "The Annual Turnpike Acts Continuance Act, 1850."

Short Title.

IX. And be it enacted, That this Act shall not apply to *Ireland*, nor, except in respect of the Continuance of the Acts hereby continued, to *Scotland*.

As to Extension of Act.

SCHEDULE.

50 G. 3. c. cxxxiii. An Act for enlarging the Term and Powers of an Act of His present Majesty, for repairing the Road from Buckingham, through Brackley, to join the Daventry Turnpike Road near Banbury.

53 G. 3. c. xliv. An Act for enlarging the Term and Powers of an Act of His present Majesty, for repairing the Road from Great Marlow in the County of Buckingham to Stokenchurch in the County of Oxford.

55 G. 3. c. liv. An Act for continuing and amending an Act of His present Majesty, for repairing the Roads from Uttoxeter to Stoke, near Stone, and from Millwich to Sandon, in the County of Stafford.

55 G. 3. c. xc. An Act for continuing and amending an Act of His present Majesty, for repairing several Roads leading from Shenfield to Harwich and Rochford and other Places in the County of Essex, and for extending the said Act to the Road from Great Hallingbury to Hockerill in the County of Hertford.

56 G. 3. c. lii. An Act for more effectually repairing the Road from Biggleswade to Alconbury Hill, and other Roads therein mentioned, in the Counties of Bedford and Huntingdon.

56 G. 3. c. lxix. An Act for continuing the Term and altering and enlarging the Powers of several Acts of His late and present Majesty, for repairing the Road from the North End of the Town of Derby in the County of Derby to Sheffield in the County of York, and from Duffield to Wirksworth in the County of Derby.

57 G. 3. c. vi. An Act for enlarging the Term and Powers of several Acts of His late and present Majesty, for repairing the Road from the Town of Shrewsbury to Bridgenorth, and several other Roads near or adjoining thereto, in the Counties of Salop and Stafford.

58 G. 3. c. i. An Act for making and maintaining a Road from the Town of Stroud in the County of Gloucester through Pitchcomb into the City of Gloucester.

1 G. 4. c. xvi. An Act for making and maintaining a Road from the Town of Cheltenham to join the present Turnpike Road from Cheltenham to Painswick at or near to Prinknash Park Wall in the County of Gloucester.

1 G. 4. c. xxxii. An Act for more effectually repairing and improving several Districts of Malmesbury Turnpike Roads and other Roads connected therewith in the Counties of Wilts, Berks, and Gloucester.

1 G. 4. c. xlvi. An Act for widening and improving the Road leading from the Turnpike Road in the Town of Tenterden through Woodchurch to Warehorne, and the Road leading out of the Turnpike Road in the Parish of Bethersden through Woodchurch to Appledore, in the County of Kent.

An

An Act for repairing the Road from Towcester through Brackley in the County of Northampton to Weston Gate in the Parish of Weston on the Green in the County of Oxford. 1 G. 4. c. lxxiii.

An Act for more effectually repairing the Roads from Netherbridge to Levens Bridge, and from thence through the Town of Millthrop to Dixes, and from the Town of Millthrop to Hangbridge, and from thence to join the Heronsyke Turnpike Road near Clawthrop Hall in the County of Westmoreland. 3 G. 4. c. xii.

An Act for more effectually improving and keeping in repair the Road from Appleby in the County of Westmoreland to Kirkby in Kendal, and from Orton to the Turnpike Road near Shap, and from Highgate, near Tebay, through Kirkby Stephen to Market Brough in the said County. 5 G. 4. c. xv.

An Act for making and maintaining a Road from Great Ancoats Street in the Town of Manchester in the County of Lancaster, to join a Diversion of the Manchester and Saltersbrook Road in Andershaw in the Parish of Ashton-under-Lyne in the said County, and Two Branches of Road communicating therewith. 6 G. 4. c. li.

An Act for more effectually repairing several Roads leading from and through the Town of Wiveliscombe in the County of Somerset, and the Roads adjoining thereto in the Counties of Somerset and Devon, and for making a new Line of Road to communicate therewith. 6 G. 4. c. xciii.

An Act for more effectually repairing and improving the Road from Sheffield in the County of York to the Marple Bridge Road in the Parish of Glossop in the County of Derby, and the Branch to Mortimers Road in the Parish of Hathersage in the said County of Derby. 6 G. 4. c. xcviii.

An Act for repairing and maintaining the Road from Huddersfield in the West Riding of the County of York to New Hey in the Parish of Rochdale in the County of Lancaster, with a Branch to Toothill Lane in the said Riding, and for making a new Road from Buck Stones to the Highway leading from Ripponden to Stainland, at or near to Barkisland School. 6 G. 4. c. cii.

An Act for making and maintaining a Turnpike Road from Meltham in the Parish of Almondbury to the Greenfield and Shepley Lane Head Turnpike Road, near Wessenden Head, in the Township of Austonley in the West Riding of the County of York. 6 G. 4. c. ciii.

An Act for more effectually repairing and improving so much of the Road leading from the Town of Cheltenham in the County of Gloucester towards the City of Gloucester as lies within the Cheltenham District, and for opening new Communications with such Road. 6 G. 4. c. cxlvii.

An Act to enable the Trustees of the Road leading from the Town of Cheltenham in the County of Gloucester towards the City of Gloucester to form a new Branch to communicate with the said Road in the Parish of Cheltenham. 9 G. 4. c. ix.

An

3 & 4 W. 4. c. xc. An Act to amend so much of Two Acts for repairing the Road leading from Cheltenham towards the City of Gloucester, and for making a new Branch to communicate with the same, as relates to the Priority of certain Mortgages granted on the Tolls thereof.

5 G. 4. c. xxiv. An Act for amending, repairing, and maintaining the Road from Sandon in the County of Stafford to Bullock Smithy in the County of Chester, and from Hilderstone to Draycott in the Moors and from Wetley Rocks to Tean, in the said County of Stafford.

7 G. 4. c. xx. An Act for amending an Act of His present Majesty, for repairing the Road from Sandon in the County of Stafford to Bullock Smithy in the County of Chester, and from Hilderstone to Draycot in the Moors, and from Wetley Rocks to Tean, in the County of Stafford, so far as relates to the Macclesfield District of Road, and for making a Diversion of Road in the said District.

7 G. 4. c. xxviii. An Act for more effectually repairing and improving the Road from the Brighthelmston Road at Pyecombe to Warninglid Cross in the Parish of Cuckfield, and from Pyecombe to the Henfield Road at Poynings Common in the County of Sussex, and for making a new Road from Warninglid Cross to Hand Cross in the said County.

7 G. 4. c. lxxi. An Act for more effectually maintaining so much of the Road from Richmond in the County of York to Lancaster in the County of Lancaster, and from Gilling to the Turnpike Road on Gatherley Moor, as relates to the Western District of the said Road, and for altering and diverting certain Parts of the said Western District of the said Road.

7 G. 4. c. cxxxiv. An Act for more effectually repairing the Road from Markfield Turnpike to the Road leading from Loughborough to Ashby-de-la-Zouch in the County of Leicester.

9 G. 4. c. xviii. An Act for more effectually repairing the Road from Footscray by Wrotham Heath to Maidstone, and from the said Road into the Road from Mereworth to Hadlow, and for making and maintaining a Road from the said Road at Wrotham Heath to Teston, and from the said Road from Mereworth to Hadlow to St. Leonard's Street in the Parish of West Malling, all in the County of Kent.

9 G. 4. c. xliv. An Act for making and maintaining a Road from Beck Fen Lane in the Parish of Mildenhall in the County of Suffolk to the South-east End of the Bridge over the River Ouze in the Parish of Littleport in the Isle of Ely and County of Cambridge, and other Roads therein mentioned in the Counties of Norfolk and Suffolk.

And the Acts continued by any of the Acts in this Schedule mentioned.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1856.

ANNO DECIMO TERTIO & DECIMO QUARTO

VICTORIÆ REGINÆ.

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Recited Enactment of 15 G. 3. c. 31. repealed from the Time this Act is proclaimed in Newfoundland.

Seaman or Fisherman: And whereas it is expedient that the said recited Enactment should be repealed: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Enactment of the said firstly-recited Act shall be repealed from the Time of the Proclamation of this Act in *Newfoundland*.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1850.

ANNO DECIMO TERTIO & DECIMO QUARTO

VICTORIÆ REGINÆ.

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CAP. LXXXI.

An Act to explain an Act of the last Session for amending an Act for the Regulation of Municipal Corporations in *Ireland* so far as relates to the Borough of *Dublin*. [14th *August* 1850.]

WHEREAS an Act was passed in the Session of Parliament holden in the Third and Fourth Years of Her present Majesty's Reign, intituled *An Act for the Regulation of Municipal Corporations in* Ireland: And whereas by an Act of the last Session of Parliament, intituled *An Act to amend an Act for the Regulation of Municipal Corporations in* Ireland *so far as relates to the Borough of* Dublin, it is amongst other things provided, that from and after the Expiration of the then present Year, as far as regards the Borough of *Dublin*, the Provisions in the said first-recited Act contained relating to the Qualification of Burgesses should be repealed, and that no Person should be enrolled as a Burgess of the said Borough of *Dublin* in respect of any Title other than by Occupancy and Payment of Rates within such Borough, according to the Meaning and Provisions of the said Act of the last Session: And whereas by the said first-recited Act it was amongst other things enacted, in regard to certain of the Cesses, Rates, and Taxes therein mentioned, that such Cess, Rate, or Tax should not, for the

3 & 4 Vict. c. 108.

12 & 13 Vict. c. 85.

the Purposes aforesaid of the said Act, be deemed to have become payable until after the Completion of the Publication of a certain Notice therein mentioned, and not before: And whereas it is expedient to remove any Doubt whether such Enactment of the said first-recited Act as to any such Notice as aforesaid, or the Publication thereof, extends or applies to any Rates, Cesses, or Taxes specified in the Schedule annexed to the said secondly-recited Act: Be it therefore declared and enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Enactment of the said first-recited Act, as to any such Notice as aforesaid, or the Publication thereof, shall be deemed and construed not to extend or apply and not to have extended or applied, and the same shall not extend or apply, to any of the Rates, Cesses, or Taxes specified in the Schedule annexed to the said secondly-recited Act.

The Provision as to Notice required as to certain Taxes payable under 3 & 4 Vict. c. 108. not to apply to Taxes specified in Schedule of 12 & 13 Vict. c. 85.

II. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

Act may be amended, &c.

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VICTORIÆ REGINÆ.

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Grand Jury Cess may be levied by Distress and Sale of any Goods found on the Premises chargeable, save as herein excepted.

Parliament assembled, and by the Authority of the same, That such Power of Distress and Sale by the said recited Act, or any Act amending the same, provided for the Collection and levying of Grand Jury Cess in *Ireland* shall be extended as follows; that is to say, any such Grand Jury Cess may be levied by Distress and Sale of any Goods and Chattels which may be found on the Premises chargeable therewith, (save and except any Goods and Chattels which, if such Distress were for Rent reserved on a Lease for a Term for Years, would be exempt from such Distress,) rendering to the Owner of such Goods and Chattels the Overplus, if any, after deducting the Expenses of distraining.

Recited Act and this Act to be as One.

II. And be it enacted, That the said recited Act and this Act shall be construed together as One Act.

Act may be amended, &c.

III. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1850.

ANNO DECIMO TERTIO & DECIMO QUARTO

VICTORIÆ REGINÆ.

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Writing to the Commissioners of Railways, setting forth the Particulars of the Railway or Portion of the Railway desired to be abandoned by them, and the Grounds upon which such Application is made.

Directors may call Meeting to consider such Application.

II. And be it enacted, That it shall be lawful for the Directors of any such Railway Company at any Time to call a Meeting of the Shareholders thereof for the Purpose of determining whether such Application shall be made to the Commissioners of Railways, and so from Time to Time as they shall see fit.

Shareholders may require Directors to call Meeting.

III. And be it enacted, That it shall be lawful for any Number of Shareholders of any such Company, not being less than Five, and holding in the aggregate not less than One Twentieth of the Capital or Stock of the Company, consisting of Shares or Stock whereon all Calls for the Time being have been paid up, but exclusive of any Shares or Stock held by or in the Names of the Directors of the Company or any of them, or by or in the Name of any Person in trust for the Directors or any of them, or for the Company, and which Shareholders shall have paid all the Calls then due on the Shares held by them, by Writing under their Hands to require the Directors of such Company to call a Meeting for the Purpose aforesaid; and upon the Receipt of any such Requisition such Directors shall forthwith proceed to call a Meeting of the Shareholders of such Company on a Day to be named by them, not being less than Fourteen nor more than Twenty-eight Days after the Receipt of such Requisition: Provided always, on the Default of the Directors to call and advertise such Meeting within Fourteen Days after the Receipt of the Requisition, it shall be lawful for the Requisitionists to call such Meeting themselves, at a Time and Place to be appointed by them, of which Fourteen Days Notice shall be given by them by Advertisement as herein-after provided: Provided also, that when any Meeting of any such Company shall have been called pursuant to any such Requisition as aforesaid, the Directors of such Company shall not be required to call any further Meeting of such Company upon any further Requisition for the like Object until Twelve Months shall have elapsed since the holding of such previous Meeting.

After Receipt of Requisition, Directors not to make any Payments, except under existing Liabilities, nor to enter into

IV. And be it enacted, That after any such Meeting has been called by the Directors, or after the Receipt of any such Requisition as aforesaid, it shall not be lawful for the Directors to make any Payments out of the Monies of the Company for the Purposes of the Railway proposed to be abandoned, except in discharge of *bonâ fide* Debts or Liabilities, or in performance of Contracts or Engagements previously entered into, and in payment of the Expenses of calling and holding

such

such Meeting, nor to enter into any Contracts or Engagements on behalf of the Company with respect to the Railway so proposed to be abandoned, nor to make any Calls, nor to register the Transfer of any Shares, until the Meeting called as aforesaid shall have determined whether such Application shall be made.

new Contracts, nor to make new Calls.

V. And be it enacted, That the calling of any such Meeting shall be by public Advertisement in the Manner required or usually adopted for advertising the Extraordinary General Meetings of such Company, and where such Meeting is called by the Directors of the Company a Circular Letter shall be sent by the Post addressed to each of the registered Shareholders of such Company, according to his registered Address or other known Address, Seven clear Days at least before the holding of such Meeting, and stating that a General Meeting of the Shareholders of such Company will be held at a Time and Place mentioned in such Circular, for the Purpose of determining whether Application shall be made to the Commissioners of Railways that such Railway or the Part thereof specified in such Notice may be abandoned, and requesting such Shareholder to signify his Assent to or Dissent therefrom, which may be according to a Form to be contained in such Circular Letter, which Form shall be to the Effect set forth in the Schedule hereto, and such Circular Letter shall request such Shareholder either to return such Form, signed by him, in a Letter addressed to the Secretary of such Company, or to attend such General Meeting as aforesaid, and deliver the same, so signed by him, to the Chairman thereof; and in the Case of every such Meeting, whether called by the Directors or by such Requisitionists as aforesaid, the Shareholders may signify their Assent to or Dissent from the proposed Application, either by attending such Meeting in Person or by Letter addressed to the Secretary of the Company, stating the Assent or Dissent of such Shareholders, in a Form which shall be to the Effect of the Form set forth in the Schedule hereto, and signed by such Shareholders respectively.

Mode of calling Meeting, and signifying the Consent of the Shareholders to the Application.

VI. And be it enacted, That at the Meeting so to be called as aforesaid the Scrutineers to be appointed as herein-after mentioned shall cast up the Amount of Shares held by Shareholders assenting to the making of such Application, and the Amount of Shares held by Shareholders dissenting therefrom, whether such Assent or Dissent have been signified by the Shareholder sending to the Secretary of the Company such Form as aforesaid, signed by him, or by such Shareholder attending such Meeting, and delivering in the same to the Chairman thereof, and such Scrutineers shall report to the Chairman the Amount of Shares of the Shareholders assenting to such Application, and

The Number of the Shareholders assenting or dissenting to be ascertained by Scrutineers, and reported to the Chairman

and the Amount of the Shares of those dissenting therefrom, and the said Chairman shall thereupon publicly announce to the Meeting the said Amounts respectively, and shall state whether or not the Holders of Three Fifths of the whole of such Shares represented in manner aforesaid at the Meeting consent to such Application: Provided always, that in computing the Amount of Shares of the Shareholders assenting or dissenting as aforesaid no Share shall be taken into account the Holder whereof shall not have been duly registered, or who shall not have paid all the Calls then due by him upon all the Shares held by him, unless such Calls shall have been made within Three Months prior to the holding of such Meeting, or if such Meeting be held pursuant to a Requisition of Shareholders as herein-before provided, then Three Months prior to the Day on which such Requisition was presented to the Directors.

Chairman of the Meeting.

VII. And be it enacted, That the Chairman of the Directors of such Company, if present, or in his Absence the Deputy Chairman, if any, of such Directors, shall be the Chairman of such Meeting as aforesaid, or if neither such Chairman nor Deputy Chairman of the Directors be present, any Shareholder chosen for that Purpose by a Majority of the Shareholders present at the Meeting shall be the Chairman thereof.

Meeting to elect Scrutineers.

VIII. And be it enacted, That at every such Meeting the Shareholders present thereat shall elect Three Shareholders of the Company to be Scrutineers for the Purposes aforesaid, and in electing such Scrutineers each Shareholder shall have One Vote only, and shall vote for One Scrutineer only; and the Decision of such Scrutineers, or of any Two of them, upon any of the Matters hereby intrusted to them, shall be final in all respects.

Adjournment of Meeting on Application of Scrutineers.

IX. And be it enacted, That for the Purpose of receiving the Report of the said Scrutineers the Chairman of such Meeting may, if he think fit, on the Application of any One of such Scrutineers, and he shall, if required by more than One of such Scrutineers, adjourn such Meeting to some Time to be appointed by him, not less than One clear Day nor more than Seven clear Days from the Day of holding such Meeting.

Certificate of the Chairman to be Evidence.

X. And be it enacted, That a Certificate under the Hand of the Chairman of the Meeting, stating that such Meeting as aforesaid has been duly held, and such Consent given as aforesaid in Cases where the same is given, shall within One Week after the Day of holding such Meeting be deposited in the Office of the said Commissioners of Railways.

XI. Pro-

XI. Provided always, and be it enacted, That if it appear to any of the Shareholders of any such Company who shall have signed any such Requisition, or been present at any such Meeting as aforesaid at which the Proposal to apply to the said Commissioners to authorize the Abandonment of the whole or Part of a Railway shall have been negatived or alleged to be negatived, either that such Meeting was not duly called, or that the Sense thereof was not duly taken according to the true Intent and Meaning of this Act, and that if such Meeting had been duly called, and the Sense thereof duly taken, the Consent of such Meeting to the proposed Application would have been given, it shall be lawful for any such Shareholders, not being less in Number than Five, and holding in the aggregate not less than One Twentieth of the Capital or Stock of the Company, consisting of Shares or Stock whereon all Calls for the Time being have been paid up, and which Shareholders shall have paid all the Calls then due on the Shares held by them, to apply to the said Commissioners, setting forth in Writing the Grounds on which they complain of the Decision alleged to have been come to at such Meeting as aforesaid, and praying that a further Meeting may be called, and if it appear to the said Commissioners (after hearing the Parties complained of, if they desire to be heard,) that there is good Reason to believe that if such Meeting had been duly called, and the Sense thereof duly taken, the Consent of such Meeting to the proposed Application to the said Commissioners would have been given, the said Commissioners shall certify their Judgment to that Effect, and shall direct a further Meeting to be called by the Directors of such Company at the Time and Place to be appointed by the said Commissioners, and the said Directors shall call such Meeting accordingly, or in default thereof it shall be lawful for the Shareholders who complained to the said Commissioners of the Proceedings of the former Meeting to call such Meeting, and all the Provisions of this Act shall apply to any further Meeting so directed to be called in like Manner as to any original Meeting herein-before authorized or required to be called.

Shareholders desiring Abandonment, and complaining that the Sense of the Company has not been fairly ascertained, may apply to the Commissioners.

XII. And be it enacted, That if at any such Meeting any Railway Company shall determine, as herein-before mentioned, that such Application as aforesaid shall be made, or if the said Commissioners shall certify as aforesaid their Judgment, that if such Meeting had been duly called and the Sense thereof duly taken the Consent of such Meeting to the proposed Application to the said Commissioners would have been given, then, as from the Date of the Resolution so come to at such Meeting, or the Date of the said Certificate, as the Case may be, the Directors of such Company shall not have Power to proceed any further with the making of the Railway, or the Part thereof

If Meeting determine that Application shall be made, Directors not to proceed meanwhile.

thereof so proposed to be abandoned, until the Decision of the Commissioners of Railways with respect to such Application be made, and then only in accordance with such Decision.

Commissioners of Railways to direct Advertisements of Application.

XIII. And be it enacted, That if it appear to the said Commissioners that there are sufficient Grounds for entertaining such Application, the said Commissioners shall require and direct the Company making the same to give Notice of such Application having been made, by Advertisement inserted, in a Form to be approved of by the said Commissioners, once in the *London*, *Edinburgh*, or *Dublin Gazette*, according as the Railway or Part of the Railway proposed to be abandoned is situate in *England*, *Scotland*, or *Ireland*, and once in each of Three successive Weeks in some Newspaper published or circulating in each County in which any Part proposed to be abandoned of such Railway is situated, and affixed for Three successive *Sundays* on the principal outer Door of the Church or Churches of every Parish in which any Part of such Railway where the whole is proposed to be abandoned, or in which any Part proposed to be abandoned, is situate, and in *Ireland* such Notice shall also be affixed to the Roman Catholic Chapel, and where there shall be no such Church or Chapel on some public or conspicuous Place of such Parish; and every such Notice shall set forth within what Time and in what Manner any Person who thinks himself aggrieved by any such proposed Abandonment, and who desires to object thereto, may bring such Objection before the Commissioners.

Commissioners to have Power to inspect the Company's Books and other Documents, and to send an Officer for local Inspection.

XIV. And be it enacted, That, for the Purpose of ascertaining the State and Condition of the Company making any such Application, and of inquiring into the Expediency of the proposed Abandonment of Railway, and of determining the Terms and Conditions on which the same may be authorized by them, it shall be lawful for the Commissioners of Railways, by themselves or by any Officer appointed and specially empowered by them for that Purpose, to inspect the Books of Accounts, Minutes of Proceedings, or any other Books, Papers, or Documents in the Possession or Control of such Company, and also, if they see fit so to do, to send, at the Expense of such Railway Company, or at the Expense of any Person who applies to them for that Purpose, an Officer to be appointed by them to inspect the Railway or proposed Railway or Work so proposed to be abandoned, and to collect Evidence on the Spot relative to such Abandonment; and if any such Company, or any of their Officers or Servants, shall refuse such Inspection by the said Commissioners, or any Officer appointed and specially empowered by them for that Purpose, or refuse or wilfully neglect to produce to the said Commissioners or any such Officer, on Demand, any Books, Papers, or Documents

Documents in the Possession or Control of such Company, every such Company shall for every such Refusal or Neglect forfeit to Her Majesty the Sum of Twenty Pounds, and a further Sum of Five Pounds for every Day during which such Refusal or wilful Neglect shall be continued.

Commissioners of Railways may by Warrant authorize the Abandonment of the Railway or Part of Railway described in the Warrant.

XV. And be it enacted, That upon Proof to the Satisfaction of the said Commissioners that such Notice has been duly given, and after the Expiration of the Time therein appointed for bringing Objections before the said Commissioners, and after considering all the Objections, if any, brought before them, the said Commissioners may, if they think fit, and upon such Terms and Conditions as they think fit, by Warrant under their Seal, and signed by Two or more of the said Commissioners, authorize the Abandonment of the Railway or Portion of Railway described in such Warrant.

In considering Objections of Shareholders to partial Abandonment, Commissioners to have regard to local Circumstances.

Power to reduce or cancel the Shares of the Objectors in certain Cases.

XVI. Provided always, and be it enacted, That in considering the Objections which may be made by any of the Shareholders of any Railway Company to the proposed Abandonment of a Part only of the Railway of such Company, and in determining the Terms and Conditions on which the said Commissioners may think fit to authorize any such partial Abandonment, the said Commissioners shall have regard to the local Situation of the Lands and Residences of the Shareholders so objecting with reference to the Portion of Railway proposed to be abandoned; and in the Case of any such Shareholders being original Subscribers to the Undertaking, and not being Solicitors, Agents, or Engineers employed in promoting the same, and whose Places of Residence or Lands are adjoining or near the Line of the Portion of Railway so proposed to be abandoned, it shall be lawful for the said Commissioners, if they think fit so to do, in any Direction which (under the Provision herein-after contained) they may give for reducing the Capital of the Company authorized to construct such Railway, to provide, at the Request of any such last-mentioned Shareholders, that the nominal Amount of the Shares held by them in such Company may be reduced to the Amount then already paid up by them respectively, or to such other Extent as the said Commissioners may think fit to order in that Behalf, or the said Commissioners may, at the like Request, direct any such Shares to be cancelled, and a Part of the Monies that may have been paid up in respect of such Shares, bearing such Proportion to the whole as the said Commissioners having regard to all the Circumstances of the Case shall think fit to determine, to be repaid to such Shareholders.

XVII. And

Abandonment of Railway to be advertised, and Demands on the Company for Compensation to be sent in.

XVII. And be it enacted, That within One Month after the Day on which any such Warrant as aforesaid is granted by the said Commissioners the Railway Company to which the same applies shall cause Notice thereof to be inserted in the *London*, *Edinburgh*, or *Dublin Gazette*, according as the Railway or Part of Railway mentioned therein is situate in *England*, *Scotland*, or *Ireland*, and once in each of Three successive Weeks in some Newspaper published or circulating in each County in which any Part of such abandoned Railway is situate, and to be affixed for Three successive *Sundays* on the principal outer Door of the Church or Churches of every Parish in which any such Part of such Railway is situate, and in *Ireland* such Notice shall also be affixed to the Roman Catholic Chapel, and where there shall be no such Church or Chapel, on some public or conspicuous Place of such Parish; and every such Notice shall require all Persons having any Claims or Demands upon the said Company for Compensation or otherwise, by reason of the Abandonment of Railway authorized by such Warrant, to transmit the Statement of such Claims or Demands to the Secretary of such Company, at the Office or usual Place of Business of the same Company, within Four Months from the Date of such Warrant.

Commissioners of Railways to certify the due Publication of the Notice of the Warrant.

XVIII. And be it enacted, That, upon Proof to the Satisfaction of the said Commissioners that Notice of such Warrant has been duly published in manner herein-before required, the said Commissioners shall certify the same accordingly; and such Certificate shall be received in all Courts of Justice or elsewhere as Evidence that such Notice was duly published as aforesaid.

After the granting of Warrant the Company to be released from Liability to make the Railway.

XIX. And be it enacted, That after the granting of any such Warrant, and the Publication of such Notice thereof as aforesaid, the Company shall (subject to the Provisions herein-after contained) be released from all Liability to make, maintain, or work the Railway mentioned in such Warrant, or the Part thereof thereby authorized to be abandoned, or to purchase any of the Lands required for the making thereof, or to complete the Purchase of any such Lands for the Purchase of which Notice may have been given, or any Contract entered into, by or on behalf of the Company, or to complete any Contract for or concerning the making, maintaining, or working of the Railway so to be abandoned, or any other Contract relating to the Railway or Part of Railway so authorized to be abandoned which by reason of such Abandonment cannot be performed: Provided always, that nothing in this Act contained shall extend to release the Company from any Liability to complete the Purchase of any Land for the Purchase of which any Contract may have been entered into by or on behalf of the Company, and which Contract may

may have been in part performed, or by virtue or in pursuance of which a specified Sum or Price as the Consideration for the Purchase of the Lands thereby agreed to be sold to or taken by the Company shall have been fixed or ascertained previously to the passing of this Act, notwithstanding the Time for the Completion of the Purchase named in such Contract shall have been subsequently extended by Agreement or Arrangement with the Company.

Compensation to be made where Contracts have been entered into or Notice given.

XX. Provided always, and be it enacted, That in every Case in which before the granting of any such Warrant any Notice hath been given or Contract entered into by or on behalf of the Company named therein for purchasing any Lands which such Company were by the Acts relating thereto empowered to purchase for the Purpose of constructing the Railway or Portion of Railway so authorized to be abandoned, and from which Contract such Company would be relieved under the Provisions herein-before contained, or where any Contract hath been entered into for or concerning the constructing, maintaining, or working of the Railway or Part of Railway so authorized to be abandoned, or any other Contract relating thereto, which by reason of such Abandonment cannot be performed, the Company shall make to the Owners or Occupiers of and other Parties interested in such Lands, or being Parties to such Contracts as aforesaid, Compensation, to be determined by Arbitration as herein-after mentioned, for all Injury or Damage, if any, sustained by such Owners, Occupiers, and other Parties by reason of such Purchase not being completed pursuant to such Notice, or by reason of such Contract not being performed.

Compensation to adjoining Landowners in lieu of Accommodation Works.

XXI. And be it enacted, That where any Railway or Part of a Railway so authorized to be abandoned shall have been then made or commenced, such Company shall make to the Owners and Occupiers of the Lands adjoining the Railway or Part of a Railway so commenced or made, and authorized to be abandoned, Compensation, to be determined by Arbitration as herein-after mentioned, for all such Injury or Damage, if any, as shall be sustained by such Owners or Occupiers by reason of the Omission to make Gates, Passages, Drains, Watercourses, Bridges, and such other Works, for the Accommodation of Lands adjoining the Railway, as such Company would have been required to make if such Railway had not been allowed to be abandoned.

Where Roads have been carried across abandoned Line of Railway by means of a Bridge

XXII. And be it enacted, That where the Line of any Railway so authorized to be abandoned shall have been wholly or partially laid out, and any Road shall have been carried across such Line of Railway by means of a Bridge or Tunnel over or under such Railway, which

or Tunnel, Company to make Compensation, in lieu of keeping Bridges, &c. in repair, except where the Road is restored to its former State.

which Bridge or Tunnel the Company to whom such Railway belonged would, in case the same had not been abandoned, have been liable to keep in repair, then in every such Case, except where such Bridge or Tunnel shall, with the Permission of the said Commissioners, be by such Company removed, and such Road restored to the like or an equally convenient and good State as the same was in before it was interfered with by the Makers of such Railway, to the Satisfaction (in case of Difference between such Company and the Owner or Persons having the Management of such Road) of the Commissioners of Railways, such Company shall pay to the Owner of such Road, if it be a private Road, or to the Trustees, Surveyors of Highways, or other Persons having the Management of such Road, if it be a Turnpike or other public Road, a Sum of Money, to be determined by Arbitration as after mentioned, in lieu and discharge of their Liability to keep such Bridge or Tunnel, and also the Roadway over the same, in repair.

Compensation to Trustees and Overseers of public Roads, how to be applied.

XXIII. And be it enacted, That every Sum so to be paid as last aforesaid to such Trustees, Surveyors, or other Persons as aforesaid shall be by them forthwith paid over to the Treasurer of the County where the Bridge or Tunnel in respect of which such Sum was paid is situate, and shall be by him invested in Consolidated Bank Annuities or other Public Securities, and the Dividends or Income thereof shall, until Parliament shall otherwise provide, be applied in the Maintenance of the Bridge or Tunnel in respect whereof the same was paid, in such Manner as the Justices in Quarter Sessions having Jurisdiction where such Bridge or Tunnel is situate shall order.

Application of Monies paid.

XXIV. And be it enacted, That every Sum so to be paid as last aforesaid in *Scotland* to such Trustees or other Persons as aforesaid shall be by them paid into Bank, and the Interest to arise thereon shall, until Parliament shall otherwise provide, be applied in the Maintenance of the Bridge or Tunnel in respect whereof the same was paid, in such Manner as the Sheriff of the County in which such Bridge or Tunnel is situate, in case of any Difficulty arising, shall direct.

Amount of Compensation to be settled by Arbitration, pursuant to 8 & 9 Vict. c. 20. and 8 & 9 Vict. c. 33.

Claims for Compensa-

XXV. And be it enacted, That the Amount of the Compensation so to be made in the several Cases aforesaid shall be determined, in case of Difference, by Arbitration, in the Manner provided by the Railways Clauses Consolidation Act, 1845, or the Railways Clauses Consolidation Act, *Scotland*, 1845, as the Case may require, and for that Purpose all the Clauses of the said Railways Clauses Consolidation Acts with respect to the Settlement of Disputes by Arbitration shall be deemed to be incorporated with this Act: Provided always, that

that no such Railway Company shall be liable to make any Compensation in respect of Damage alleged to have been sustained by reason of the Abandonment of the Railway or Part of the Railway, or the Non-completion of any Contract of such Company in any of the Cases aforesaid, unless the Claim for such Compensation shall have been made within Six Months after the Publication in the Gazette of the Notice of the Warrant for such Abandonment as hereinbefore provided.

tion to be made within Six Months after Publication of Warrant for Abandonment.

XXVI. Provided also, and be it enacted, That the Authority so as aforesaid given for abandoning the making of any such Railway or Part of a Railway shall not prejudice or affect the Right of the Owner or Occupier of any Lands to receive from such Company Compensation for any Damage that may have been occasioned by the Entry of such Company upon such Lands, for the Purpose of surveying and taking Levels, and of probing or boring to ascertain the Nature of the Soil, or of setting out the Line of the Railway, pursuant to the Provisions for that Purpose in the Lands Clauses Consolidation Act, 1845, and the Lands Clauses Consolidation Act (*Scotland*), 1845, contained.

Company to be still liable for Damage occasioned by their Entry on Lands for taking Levels, &c. pursuant to 8 & 9 Vict. c. 18. or 8 & 9 Vict. c. 19.

XXVII. And be it enacted, That all the Lands acquired by such Company for the Purposes of the Railway or Part of Railway so authorized to be abandoned shall be sold by such Company within the Time limited or prescribed for that Purpose in the Warrant authorizing the Abandonment of such Railway, and if no Time be therein prescribed for that Purpose, then within Two Years from the Date of such Warrant, in the Manner prescribed by the said Lands Clauses Consolidation Acts with respect to the Sale of superfluous Lands; and for that Purpose all the Clauses of the said last-mentioned Acts with respect to the Lands acquired by the Promoters of the Undertaking under the Provisions of their special Act, but which are not required for the Purposes thereof, shall be deemed to be incorporated with this Act: Provided always, that the Offer to be made by the Railway Company pursuant to the said Acts to sell such Lands to the Person entitled to the Lands from which the same were severed shall be made at a Price or Sum not greater than the Price or Sum at which such Lands were purchased by such Company.

Lands purchased by the Railway Company to be sold within a limited Time.

XXVIII. And be it enacted, That when the said Commissioners of Railways, by any such Warrant as aforesaid, authorize the Abandonment of a Part only of the Railway of any Railway Company, they may, if they think fit, require that the Capital authorized to be raised by such Company in respect of such Railway shall be reduced to such Extent and in such Manner as the said Commissioners think fit,

Where Part of a Railway is authorized to be abandoned, the Commissioners may require the Capital to be reduced.

fit, and so that such Reduction do not bear a greater Proportion to the whole Capital so authorized to be raised than the Cost of the Part of the Railway so authorized to be abandoned would have borne to the Cost of the whole Railway; and they may also, if they think fit, in like Manner reduce the Amount which such Company are authorized to borrow on Mortgage or Bond, and every such Reduction shall be expressed in the said Warrant; and in every such Case the Capital of such Company, and their Power of borrowing Money, shall be reduced and limited in conformity with the Directions for that Purpose contained in such Warrant; and such Company shall have all the same Powers for enforcing the Payment of Calls in respect of the Shares in the Capital when reduced in the Manner required by the said Commissioners, and for enforcing the Forfeiture of any such Shares in default of Payment of such Calls, as such Company would have had in respect of the original Capital of such Company if this Act had not been passed: Provided always, that nothing herein contained shall authorize the said Company to reduce or interfere with any Amount of Capital paid up or called for before the Eleventh Day of *February* One thousand eight hundred and fifty, and entitled to any preferential or guaranteed Dividend or Interest.

After Warrant for Abandonment of the whole Railway the Powers of the Company are to cease, except for winding up.

XXIX. And be it enacted, That after the granting of any such Warrant as aforesaid for the Abandonment of the whole Railway of any Railway Company the Powers of such Company for the Construction, Maintenance, and Management of such Railway shall cease, and such Company shall continue to exist only for the Purpose of winding up their Affairs, and they shall accordingly, subject to the Provisions herein contained with respect to the Sale of Lands acquired by such Company for the Purposes of their Railway, proceed with all convenient Speed to collect and to convert into Money all their Property and Effects, and shall in the first place pay and satisfy all their Debts and Liabilities, and after full Payment and Satisfaction thereof shall distribute the surplus Funds among the Shareholders of the Company in proportion to their Shares and Interests therein, and for the Purposes aforesaid all the Powers of such Company shall continue in full Force and Effect; and when and so soon as the same shall have been fully accomplished such Company shall be dissolved, and cease to exist.

Provisions of 11 & 12 Vict. c. 45. and 12 & 13 Vict. c. 108. to apply to Cases where

XXX. And be it enacted, That, notwithstanding the Provision in the Joint Stock Companies Winding-up Amendment Act, 1849, excepting Railway Companies incorporated by Act of Parliament from the Application of the Joint Stock Companies Winding-up Act, 1848, the said Two several Acts shall nevertheless apply to any Railway

Company

Company incorporated by Act of Parliament in respect of which an Order may have been made by the Court of Chancery for winding up the Affairs of such Company previous to the passing of the said Joint Stock Companies Winding-up Amendment Act, 1849, and the Proceedings for winding up the same shall proceed and be carried on under the said Joint Stock Companies Winding-up Act, 1848, and the said Joint Stock Companies Winding-up Amendment Act, 1849, or either of them.

Order of winding-up was made prior to passing of said Acts.

XXXI. And be it enacted, That where any such Warrant as aforesaid shall have been granted for the Abandonment of the whole Railway of any Railway Company in *England* or *Ireland*, any Shareholder of such Company may present a Petition under the Joint Stock Companies Winding-up Act, 1848, or any Act for the Amendment of such Act, for the winding up of the Affairs of such Company under the said Act, and for that Purpose the Railway Company whose Railway is so authorized to be abandoned shall, if the Court shall think fit so to order, (notwithstanding anything to the contrary thereof in the said Joint Stock Companies Winding-up Act, or in the Joint Stock Companies Winding-up Amendment Act, 1849,) be deemed to be a Company to which the said Act applies.

When Warrant has been granted for abandoning the whole Railway, Shareholders may petition for winding up, under the 11 & 12 Vict. c. 45., notwithstanding anything in 12 & 13 Vict. c. 108.

XXXII. And be it enacted, That where any such Warrant as aforesaid shall have been granted for the Abandonment of the whole Railway of any Railway Company in *Scotland*, any Shareholder of such Company may present a Petition to the Court of Session, praying the said Court to sequestrate such Company, and it shall thereupon be lawful for the said Court to issue a Deliverance awarding Sequestration of such Company, and to appoint a Factor, who shall take possession of and recover the Estate of such Company, and realise and manage the same, for the Purposes of this Act, and for winding up and distributing the same with due Regard to the Rights and Interests of the Creditors and Shareholders, and of all others concerned therein.

Court of Session, upon Petition, may sequestrate any Railway Company for the Abandonment of which a Warrant has been granted.

XXXIII. And be it enacted, That it shall be competent to the said Court to establish, by Acts of Sederunt to be passed by them, all such Rules and Regulations as may be necessary in relation to the summary Statement, Discussion, and Adjudication of all Claims at the Instance of Creditors, Shareholders, and other Parties against such Company, and by such Rules and Regulations to apply, as far as may be practicable and expedient, towards the Purposes of this Act, the Provisions of an Act passed in the Session of Parliament holden in the Second and Third Years of the Reign of Her present Majesty, intituled *An Act for regulating the Sequestration of the Estates of Bankrupts in* Scotland; and it shall be competent to the

Court of Session to establish Rules for Adjustment of Claims.

2 & 3 Vict. c. 41.

the said Court so also to establish all such other Rules and Regulations as may be necessary for carrying fully into effect the Purposes of this Act.

In case of Petition for winding up, Landowners are to be deemed Creditors in respect of the Compensation given by this Act.

XXXIV. And be it enacted, That in the event of the Affairs of any such Company being wound up under any such Petition, the Compensation herein-before directed to be given to the Owners and Occupiers of Lands and others in respect of the Damage sustained by them by reason of such Abandonment in the Cases herein-before mentioned, or by reason of the Non-completion of any such Contract as aforesaid, or otherwise, shall be deemed a Demand claimed from, and when ascertained in the Manner provided by this Act a Debt due from, such Company, and the Party by whom such Compensation is claimed shall be deemed a "Creditor," in *England* or *Ireland*, within the Provisions of the said Joint Stock Companies Winding-up Act, or, in *Scotland*, within the Provisions of the said recited Act of the Second and Third Years of the Reign of Her present Majesty; and in case any Lands purchased by such Railway Company shall be sold by the Official Manager under the said Act, they shall be sold in the Manner and subject to the Provisions contained in this Act.

Act not to affect Actions or Suits commenced before 11th Feb. 1850.

XXXV. Provided always, and be it enacted, That this Act, or any Proceeding thereunder, shall not prejudice or affect any Action or Suit or other Proceeding at Law or in Equity commenced before the Eleventh Day of *February* One thousand eight hundred and fifty, or any Action or Suit brought in connexion with and during the Dependence of and involving the same Matter with such Action or Suit, nor any Action, Suit, or other Proceeding against a Company which shall not have obtained a Warrant authorizing the Abandonment of the Railway or Part of a Railway in respect of which such Action, Suit, or other Proceeding shall be instituted, unless such Company shall, within Three Days after Notice for that Purpose from the Party suing them, give such Party Notice of their Intention to apply for such Warrant, and shall obtain the same, and serve Notice thereof on such Party within Three Calendar Months thereafter, but all such Actions and Suits and other Proceedings shall be proceeded with, and Judgments recovered, and Rules, Orders, and Decrees made therein shall be enforced, as if this Act had not been passed, save only that the same, after Notice given by the Company of their Intention to abandon as aforesaid, shall be suspended for Three Calendar Months, if the Warrant be refused, or be not obtained within that Time.

Nothing herein to authorize Abandon-

XXXVI. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to authorize the Abandonment by any Company of any Railway or Portion of a

Railway,

Railway, or other Works, which such Company has agreed under its Corporate Seal to make and construct, according to any Agreement entered into either with any Individual or with any other Company, unless such Individual or Company shall consent in Writing to such Abandonment.

ment of any Railway agreed to be constructed, without Consent.

XXXVII. And be it enacted, That in each Case in which the said Commissioners authorize the Abandonment of the whole or a Portion of a Railway, they shall, within Ten Days after issuing their Warrant for that Purpose, if Parliament be then sitting, or if not, then as soon thereafter as Parliament meets, lay before both Houses of Parliament a Copy of every such Warrant, accompanied by such Report and Observations as shall in the Judgment of such Commissioners set forth and explain the Reasons for their Award and Warrant in every such Case as aforesaid.

Commissioners to report to Parliament where Abandonment authorized by them.

XXXVIII. And be it enacted, That the following Words and Expressions in this Act shall have the Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

Interpretation of Terms.

Words importing the Singular Number only shall include the Plural Number, and Words importing the Plural Number only shall include also the Singular Number:

Words importing the Masculine Gender shall extend to Females:

The Word "Person" shall include Body Corporate:

The Word "Lands" shall include Messuages, Tenements, and Hereditaments:

The Word "Railway" shall include all Works, Buildings, and Undertakings authorized to be constructed or carried on in connexion with the Railway or belonging thereto:

The Word "Shares" shall include Stock:

The Word "Month" shall mean Calendar Month.

XXXIX. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal and other Instruments and Proceedings, it shall be sufficient to use the Expression "The Abandonment of Railways Act, 1850."

Short Title.

XL. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

Act may be amended, &c.

SCHE-

SCHEDULE referred to by the foregoing Act.

(1.) Name of Railway.	(1.) Name of Shareholder.	(1.) No. and Amount of Shares or Stock held by him.	(2.) Whether assenting or dissenting.

(1.) The Secretary will insert these Particulars.

(2.) In this Column the Shareholder will write the Word "assenting" or "dissenting," as the Case may be, and sign his Name thereunder.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
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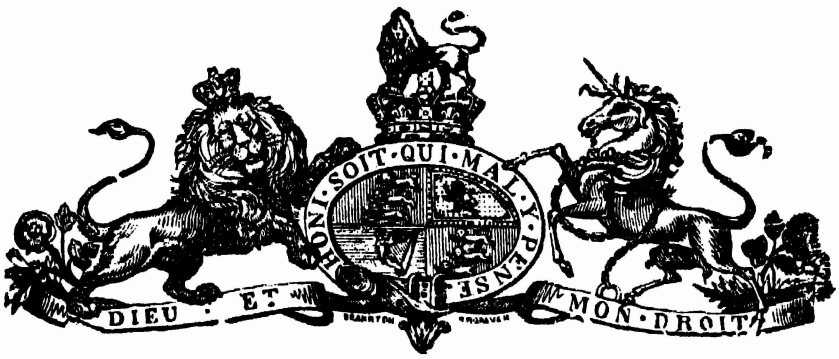

ANNO DECIMO TERTIO & DECIMO QUARTO

VICTORIÆ REGINÆ.

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CAP. LXXXIV.

An Act to enable the Council of the Borough of *Manchester* to determine their Liability to defray the Expenses of Customs in respect of Goods warehoused in the said Borough, and to authorize the Commissioners of Her Majesty's Treasury to direct the Discontinuance of the further warehousing of Goods in such Warehouses without Payment of Duty.

[14th *August* 1850.]

WHEREAS an Act was passed in the Session of Parliament held in the Seventh and Eighth Years of the Reign of Her present Majesty, intituled *An Act for the warehousing of Foreign Goods for Home Consumption at the Borough of* Manchester *in the County of* Lancaster: And whereas it is just and expedient that the Council of the Borough of *Manchester* should have the Option of terminating the Liability, to which under the said recited Act they are subject, to pay to the Commissioners of Her Majesty's Customs the Expenses incurred by the said Commissioners in the Management and Collection of the Customs and other Duties, payable in respect of Goods deposited in Warehouses or Places within or near the said Borough, or within the Distances 7 & 8 Vict. c. 31.

 in

in the said recited Act mentioned, and of the Maintenance of the Establishment of Officers and Clerks necessary for such Management and Collection; and in case the said Council shall exercise such Option in the Manner herein-after provided, that the Commissioners of Her Majesty's Treasury should have Power to direct that no further Goods shall be thereafter warehoused without Payment of Duty in any Warehouse approved under the Provisions of the said recited Act; but the Object aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for the Council of the said Borough of *Manchester*, in case they should so think fit, and they are hereby authorized and empowered, by Notice in Writing under the Common Seal of the Corporation, addressed to the Commissioners of Her Majesty's Treasury, to determine and put an end to the Liability of the Mayor, Aldermen, and Burgesses of the said Borough, or the Council thereof, to pay any Expenses to be incurred by the Commissioners of Her Majesty's Customs in the Collection and Management of the Customs and other Duties payable in respect of Goods deposited in Warehouses or Places within or near the said Borough, and of the Maintenance of the Establishment of Officers and Clerks necessary for such Management and Collection, from and after a Date to be named in such Notice, being not less than Three Months from the Day on which such Notice shall be given, and from and after the Date to be named as aforesaid all Liability imposed under and by virtue of the said herein-before recited Act to pay any such Expenses, except as herein-after is provided, shall absolutely cease and determine; and in case of such Notice being given by the said Council in order to terminate the Liability to pay such Expenses as aforesaid, it shall be lawful for the said Commissioners of Her Majesty's Treasury, or any Two of them, if they shall so think fit, thereupon to direct that no further Goods shall after the Expiration of such Notice be warehoused without Payment of Duty in any Warehouse approved under the Provisions of the said herein-before recited Act, and from and after the Expiration of such Notice no Goods shall be deposited therein under the Provisions of the said recited Act.

Council of Borough of Manchester exempted from Liability to pay Expenses of Management and Collection of Customs, &c. in respect of Foreign Goods warehoused, &c.

Treasury empowered to discontinue warehousing of Goods without Payment of Duty.

II. Provided always, and be it enacted, That in case such Direction shall be issued by the said Commissioners of Her Majesty's Treasury, or any Two of them, as aforesaid, it shall also be lawful for the said last-mentioned Commissioners, or any Two of them, by Writing under their Hands, to order that the Duties of Customs due upon all Goods

Treasury may order Duties to be paid or Goods to be removed.

Goods deposited in any Warehouse approved under the Provisions of the said herein-before recited Act shall, within the Period of Twelve Calendar Months after the Expiration of the Notice upon which such Direction shall be founded, be paid to the proper Officers of Customs at *Manchester*, or to such other Person or Persons as the Commissioners of Her Majesty's Customs may direct or appoint to receive the same, or that such Goods shall be removed by the Owners thereof to some other Bonded Warehouse in the United Kingdom within such Period of Twelve Calendar Months; and in default of Payment or Removal as aforesaid within such Period such Goods shall be liable to be forfeited and dealt with in such Manner as the said last-mentioned Commissioners shall direct.

Council to pay out of Borough Fund Expenses of Management, &c. in respect of Goods deposited under recited Act.

III. Provided nevertheless, and be it enacted, That, notwithstanding anything herein contained, the Council of the said Borough of *Manchester* shall be liable to pay, and shall, on Demand, order to be paid, out of the Borough Fund of the said Borough, to the said Commissioners of Her Majesty's Customs, all Expenses which shall be incurred by them in relation to or in the Management and Collection of the Duties payable in respect of any Goods which shall then be deposited in any Warehouse approved under the Provisions of the said herein-before recited Act, after the issuing of such Direction by the said Commissioners of Her Majesty's Treasury or any Two of them, and also during the said Period of Twelve Calendar Months, if such Order shall be issued for that Purpose as aforesaid, unless the Goods in the said Warehouses shall be sooner cleared or removed therefrom, in which latter Case such Expenses shall thenceforth cease to become payable.

Expenses of Act.

IV. And be it enacted, That all the Costs, Charges, and Expenses of and attending the passing of this Act or incidental thereto shall be paid by the Mayor, Aldermen, and Burgesses of the Borough of *Manchester* out of any Monies which may be in their Hands at the passing hereof, or out of the first Monies which shall come into their Hands after the passing hereof.

Public Act.

V. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

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Printers to the Queen's most Excellent Majesty. 1850.

ANNO DECIMO TERTIO & DECIMO QUARTO

VICTORIÆ REGINÆ.

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CAP. LXXXV.

An Act to provide for holding the Assizes of certain Counties of Cities and Towns in *Ireland* in the Assize Towns of the adjoining Counties at large, in certain Cases; and to make Provision as to Gaols in case of the Change of Assize Towns.

[14th *August* 1850.]

WHEREAS an Act was passed in the Seventh Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for consolidating and amending the Laws relating to Prisons in* Ireland, and it was thereby amongst other things provided, that in certain Cases therein mentioned the Lord Lieutenant or other Chief Governor or Governors of *Ireland* should be empowered to direct that all Prisoners within a County of a City or County of a Town in *Ireland* should be committed to and kept in Custody in the Gaol of the County at large, such Gaol being situate in such County of a City or County of a Town: And whereas under the Provisions of an Act of the Fifth and Sixth Years of His late Majesty King *William* the Fourth, intituled *An Act for the Appointment of convenient Places for the holding of Assizes in* Ireland, the Lord Lieutenant or other Chief Governor or Governors

7 G. 4. c. 74. s. 100.

5 & 6 W. 4. c. 26.

and

and the Privy Council of *Ireland* are empowered, from Time to Time, upon Presentation of a Memorial from a Majority of the Grand Jury of the Assizes of a County in *Ireland* for such Purpose, to direct at what Place or Places in any County in *Ireland* the Assizes and Sessions under the Commissions of Gaol Delivery and other Commissions for the Despatch of Civil and Criminal Business shall be holden: And whereas it is expedient that the said Lord Lieutenant and Privy Council should be empowered in certain Cases, upon the Application of the Grand Jury of a County of a City or County of a Town, to direct that the Assizes for such County of a City or County of a Town should be held in the Assize Town of the adjoining County at large, and that all Prisoners within such County of a City or County of a Town should be committed to and kept in Custody in the Gaol of the said County at large, though such Gaol be not situate within such County of a City or County of a Town: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, by and with the Advice of the Privy Council of *Ireland*, if he and they shall think fit, on the Application of the Majority of the Grand Jury at any Assizes of any County of a City or County of a Town, to direct and order that the Assizes and Sessions under the Commissions of Gaol Delivery and other Commissions for the Despatch of Civil and Criminal Business for any such County of a City or County of a Town in *Ireland*, or that any Special Commission or Commissions of Oyer and Terminer and Gaol Delivery for such County of a City or County of a Town, shall be holden at the Assize Town for the Time being of the County at large adjoining such County of a City or County of a Town, or (in case there be more than One adjoining County) of such One of the said adjoining Counties at large as shall be specified in such Order in Council, or to direct and order that all or any Prisoners within such County of a City or County of a Town shall be committed or transmitted to or kept in Custody in the County Gaol, or any Gaol, Bridewell, or House of Correction of such adjoining County at large, or of such One of the adjoining Counties at large (in case there be more than One) as shall be specified in such Order; and in such Case every such Prisoner so in Custody shall to all Intents and Purposes be deemed to be in the proper legal Custody during the Time he or she shall be kept in or be in course of Transmission or Removal to or from such Place of Confinement, or in, to, or from any Court House in such Assize Town, as fully and effectually as if he or she were in Custody within such County of a City or County of a Town; and in case of such last-

The Lord Lieutenant and Privy Council of Ireland may direct the Assizes of a County of a City or Town to be held at the Assize Town of the adjoining County at large in certain Cases, and the Prisoners to be sent.

last-mentioned Order or Direction, the Maintenance of such Prisoners, and a due Proportion of the Expenses of such Gaol, Bridewell, or House of Correction of such County at large, shall be provided for by Presentments to be made by the Grand Jury at the Assizes of such County of a City or County of a Town to which such Prisoners shall belong (and which Presentments such Grand Jury are hereby required to make), in lieu of all other Presentments in respect of the Gaol of such County of a City or County of a Town; and the Sums presented for the Maintenance of such Prisoners, and such Proportion of Gaol Expenses, shall be paid by the Treasurer of such County of a City or County of a Town to the Treasurer of such County at large.

Power to Lord Lieutenant and Council to make Regulations for the Purposes of this Act.

II. And be it enacted, That in case the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, by and with the Advice of the Privy Council of *Ireland*, shall think fit as aforesaid to order and direct that the Assizes and Sessions under the Commissions of Gaol Delivery, and other Commissions for the Despatch of Civil and Criminal Business, or any Special Commission or Commissions of Oyer and Terminer and Gaol Delivery, for any such County of a City or County of a Town, shall be holden at the Assize Town of the adjoining County at large, such Assizes and Sessions or such Special Commissions shall to all Intents and Purposes be deemed to be the Assizes or Sessions or Special Commission or Commissions for such County of a City or County of a Town, as fully and effectually as if the same were held within such County of a City or County of a Town; and all Grand Jurors, Special and Common Jurors, Witnesses, Prosecutors, Officers, and Persons whatsoever whose Duty it shall be to attend at the Assizes or such Sessions or Special Commissions of the said County of a City or County of a Town, shall attend at, and all Matters and Things to be transacted and done at or relating to such Assizes, Sessions, or Special Commissions shall be transacted and done at or relating to, such Place as aforesaid in such adjoining County at large, as fully and effectually as if the same were within such County of a City or County of a Town; and it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors, by and with the Advice aforesaid, to make Rules and Regulations touching the Use of any Court House, House of Correction, Prison, or Common Gaol of such County at large for the Purposes of this Act, and touching the Alterations of any Writs, Precepts, Documents, or other Proceedings whatsoever for carrying into effect the Purposes of this Act, and touching any other Matters that may be requisite for carrying into effect the Purposes of this Act; and all such Rules and Regulations shall be of the like Force and Effect as if the same had been made by the Authority of Parliament, and shall be notified

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in the *Dublin Gazette*, or in such other Manner as the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, by and with the Advice of the Privy Council of *Ireland*, shall think fit to direct: Provided always, that it shall be lawful for the Grand Jury of such County of a City or County of a Town to be sworn and to act in discharge of their fiscal Business either in their respective County of a City or County of a Town or in such Assize Town as aforesaid in such adjoining County at large to which such Assizes, Sessions, or Special Commissions shall have been removed under and by virtue of the Provisions of this Act, according as the same may be directed in that Behalf by the same or any subsequent Order in Council.

Place for holding Assizes not to be so changed, unless desired by Majority of Grand Jury.

III. Provided always, and be it enacted, That it shall not be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, and the Privy Council there, to make any Order for changing the Place for holding the Assizes or Sessions under the Commissions of Gaol Delivery or other Commissions for the Despatch of Civil and Criminal Business of any County of a City or County of a Town for the Purposes of this Act, unless a Memorial shall have been presented to him or them by a Majority of the Grand Jury of any Assizes of such County of a City or County of a Town, held within Twelve Months preceding such Order, praying that such Change may be made, and unless a Resolution, agreed to by a Majority of the Grand Jury of any Assizes (held within such Twelve Months) of such County at large (into which the Assizes of such County of a City or County of a Town shall be proposed to be moved as aforesaid) shall have been transmitted to such Lord Lieutenant or other Chief Governor or Governors by such last-mentioned Grand Jury, assenting to such Change being made.

Where Place of holding Assizes of Counties, &c. is changed, Lord Lieutenant and Council may appoint County Gaol.

IV. And be it enacted, That in all Cases in which the Place of holding Assizes and Sessions under the Commissions of Gaol Delivery and other Commissions for the Despatch of Civil and Criminal Business for any County, County of a City, or County of a Town has been or shall be changed under the Provisions of the said recited Act of the Fifth and Sixth Years of King *William* the Fourth or of this Act, it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, by and with the Advice of the Privy Council of *Ireland*, to order that such Prison or Gaol as he or they shall think fit shall be the Common Gaol of the County, County of a City, or County of a Town, in relation to which such Change shall have been made, and to order the Removal or Custody of Prisoners thereto or therein accordingly; and in such Cases such Presentments shall and may be made by the respective Grand Jury at

at the Assizes from Time to Time in respect of the Expenses of any such Gaol and the Prisoners therein, and in like Manner as may be or ought by Law to be made by such Grand Jury in respect of the Common Gaol of such County, County of a City, or County of a Town, as the Case may be.

Grand Juries may present Compensation to Officers of Gaols no longer required in consequence of such Change.

V. And whereas by reason of the Change of the Place of holding any such Assizes, Sessions, and Commissions as aforesaid certain of the Officers of the Gaols or Prisons of any such Counties, Counties of Cities, or Counties of Towns as to which any such Change shall have been made may become unnecessary; and it is expedient that the respective Grand Juries should be empowered to grant an annual Allowance or Compensation to any such Officers who may by reason of such Change be discharged from their Offices: Be it enacted, That whenever the Place of holding any such Assizes, Sessions, and Commissions as aforesaid for any County, County of a City, or County of a Town shall have been changed as aforesaid, and by reason of such Change any Officers of any Gaol or Prison of such County, County of a City, or County of a Town, or of any Gaol or Prison used for the Purposes of the same, or any of them, shall become unnecessary, and shall be discharged from their respective Offices, it shall be lawful for the Grand Jury of such County, County of a City, or County of a Town, if they shall think fit, at each Assizes, without Application to Presentment Sessions, to present One Moiety of such respective annual Sum as the Grand Jury shall deem fit to be paid as an Allowance or Compensation to every such Officer so discharged for the Cause aforesaid, during his Life respectively; which respective Sums shall be from Time to Time raised, levied, and paid as other Sums raised and levied under Presentments of the Grand Jury at the same Assizes: Provided always, that no such annual Allowance or Sum shall in any Case exceed Two Thirds of the annual Salary to which such Person shall have been entitled at the Time of his Discharge as aforesaid: Provided also, that if any such Officer as aforesaid shall be nominated and appointed to any Office or Employment in or relating to any of the Gaols of the same County, County of a City, or County of a Town, the Salary and Emoluments of which Office or Employment shall be equal to or shall exceed the Amount of Salary and Emoluments which such Officer before received, then and in such Case the Compensation so hereby provided for every Person so appointed and employed shall cease and determine from the Day of such Nomination and Appointment: Provided also, that if any Person so to be nominated and appointed as aforesaid shall decline or refuse to accept such Office or Employment, his or her Compensation under this Act shall utterly cease and determine.

Act may be amended, &c.

VI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

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ANNO DECIMO TERTIO & DECIMO QUARTO

VICTORIÆ REGINÆ.

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CAP LXXXVI.

An Act for the Erection on the Earthen Mound in the City of *Edinburgh* of Buildings for a National Gallery, and other Purposes connected therewith and with the Promotion of the Fine Arts in *Scotland*. [14th *August* 1850.]

WHEREAS an Act was passed in the Fifty-sixth Year of the Reign of His Majesty King *George* the Third, intituled *An Act to enable the Lord Provost, Magistrates, and Council of the City of* Edinburgh *to carry into effect certain Purposes in regard to the Erection of a Chapel at the West End of* Princes Street, *and for effecting certain Improvements in the Neighbourhood thereof and in other Parts of the extended Royalty of the said City;* and another Act was passed in the Session of Parliament holden in the Seventh and Eighth Years of the Reign of His Majesty King *George* the Fourth, intituled *An Act for carrying into effect certain Improvements within the City of* Edinburgh *and adjacent to the same;* and another Act was passed in the Session of Parliament holden in the First and Second Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to alter and amend an Act passed in the Seventh and Eighth Year of the*

56 G. 3. c. xli.

7 & 8 G. 4. c. lxxvi.

1 & 2 W. 4. c. xlv.

Reign of His late Majesty, intituled 'An Act for carrying into 'effect certain Improvements within the City of Edinburgh *and 'adjacent to the same;'* by which Acts, or one or other of them, certain Plans were prescribed and Provisions were made regarding the Erection of Buildings on the Earthen Mound: And whereas it is expedient that the public Buildings herein-after mentioned should be erected on the said Mound, irrespective of any former Plans, under the Direction and Care of the Commissioners and Trustees appointed by Her Majesty and Her Royal Predecessors for Manufactures and Improvements in *Scotland*, and with the Sanction and Approbation of the Commissioners of Her Majesty's Treasury; but these Purposes cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act all the Provisions in the said recited Acts in relation to the Erection of Buildings upon the said Earthen Mound shall be and the same are hereby repealed: Provided nevertheless, that nothing herein contained shall affect or impair any Operation effected or Matter or Thing heretofore done in execution of the Provisions hereby repealed or any of them, or anything otherwise done in the Execution of the Powers of the said Acts, and that the said Acts, excepting in so far as hereby repealed, shall continue to be of the same Force and Effect as if this Act had not been passed.

Repeal of Provisions as to the Erection of Buildings on the Earthen Mound.

II. And whereas the said Commissioners and Trustees have acquired from the Magistrates and Town Council of *Edinburgh* and others the Space of Ground upon the said Mound necessary for the Erection of the intended Buildings: Be it enacted, That it shall be lawful for the said Commissioners and Trustees to erect, make, and execute, upon the Ground so acquired by them, all such Buildings, Apartments, Appurtenances, and Enclosures as shall be necessary for a National Gallery of Art and other Purposes connected therewith and with the Promotion of the Fine Arts: Provided always, that the Plan of such Buildings, Apartments, Appurtenances, and Enclosures shall, previous to the Commencement of the Erection thereof, be submitted to the Commissioners of Her Majesty's Treasury for the Time being, and be approved of by them in Writing under their Hands,

Power to erect Buildings on Ground acquired by the Commissioners and Trustees for Manufactures.

Plans to be previously approved of by the Treasury.

III. And be it enacted, That it shall be lawful for the said Commissioners and Trustees to alter and divert the present Road or Roads on the said Mound or any Part thereof, and to substitute in place thereof

Power to divert Roads on the Mound, and

thereof another Road or Roads, which may in the Opinion of the Lord Provost of *Edinburgh* be equally convenient for the Public, and may be approved of as such by the said Commissioners of Her Majesty's Treasury; and the said Road or Roads, when so altered and diverted, shall be and remain under the Care and Management of the Trustees appointed or elected under an Act passed in the Session of Parliament holden in the Ninth and Tenth Years of the Reign of Her present Majesty, intituled *An Act for further regulating the Repair and Maintenance of the Roads, Streets, and Bridges within the Middle District of the County of* Edinburgh *and the Assessments payable in respect thereof, and for other Purposes relating thereto.*

to substitute other Roads

9 & 10 Vict. c. cccxlv.

IV. And be it enacted, That the Sale of such Ground, and the Conveyance thereof by the said Magistrates and Town Council to the said Commissioners and Trustees, shall to all Intents and Purposes, and as regards all Consequences, be and be construed to be as valid and effectual as if made and granted under the Act of the Third Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for regulating the Mode of accounting for the Common Good and Revenues of the Royal Burghs of* Scotland, and such Ground, and the Buildings, Apartments, Appurtenances, Conveniences, and Enclosures to be erected, made, or executed thereupon, shall in all Time hereafter be vested in and held by the said Commissioners and Trustees for the Purposes of this Act, anything in the said recited Acts or in any other Act or Acts to the contrary notwithstanding.

Property and Buildings, &c. vested in the Commissioners and Trustees.

3 G. 4. c. 91.

V. Provided always, and be it enacted, That the Appropriation for the several Purposes of this Act of the said Buildings, Apartments, and Appurtenances when completed shall remain and be with the said Commissioners and Trustees, subject to the Approbation of the said Commissioners of Her Majesty's Treasury, and during such Time as the said last-mentioned Commissioners shall approve of such Appropriation.

Appropriation of Buildings, &c. when completed.

VI. And whereas by an Act passed in the Seventh and Eighth Years of the Reign of Her present Majesty, intituled *An Act to authorize an Extension of the* Edinburgh and Glasgow *Railway, and to amend and enlarge the Provisions of the Acts relating to such Railway*, it is enacted that if any Breaches, Cracks, or Openings in the Building situate on the said Earthen Mound, called the Royal Institution, or any Settlement or like Damage thereto, shall happen within Fifteen Years after the Formation and Completion of the Tunnel thereby authorized to be made by the said Company through the said Earthen Mound, such Breaches, Cracks, or

As to the Tunnel on the Edinburgh and Glasgow Railway through the Mound.

7 & 8 Vict. c. lviii.

or Openings, Settlement or Damage, shall be deemed and held to have been caused and occasioned by the working, making, or continuing of the said Tunnel, unless the contrary thereof shall be shown and proved by the said Company: And whereas the Erection of such Buildings, Apartments, Appurtenances, Conveniences, and Enclosures for a National Gallery on the said Earthen Mound may affect the Foundations of the said Royal Institution, and it is just and reasonable that the Provision and Enactment last above recited should be repealed: Be it therefore enacted, That from and after the Commencement of the Works authorized by this Act the said last-mentioned Provision and Enactment shall be void and null, and the said *Edinburgh and Glasgow* Railway Company shall not be liable for any Breach, Crack, Opening, Settlement, or other Damage to the said Building called the Royal Institution, unless it shall be proved in manner provided by the said last-recited Act and the Acts therein referred to that such Damage would have been caused by the Works of the said *Edinburgh and Glasgow* Railway Company although the Works authorized by this Act had not been executed.

Saving Rights of the Edinburgh and Glasgow Railway Company.

VII. And be it enacted, That nothing herein contained shall be held to limit or restrict or otherwise affect the Rights of the said *Edinburgh and Glasgow* Railway Company as they now exist.

Act may be amended, &c.

VIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

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ANNO DECIMO TERTIO & DECIMO QUARTO

VICTORIÆ REGINÆ.

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CAP. LXXXVII.

An Act for Payment of a Moiety of certain Penalties towards Police Superannuation Funds.

[14th *August* 1850.]

WHEREAS by an Act passed in the Fourth Year of Her present Majesty, intituled *An Act to amend the Act for the Establishment of County and District Constables*, it was enacted, that the Monies accruing from any Portion of the Fines imposed by any Justice of the Peace upon drunken Persons, or for Assaults upon Police Constables, and from Moieties of Fines and Penalties awarded to Informers, being Police Constables, on summary Convictions, as shall be directed by such Justice to be paid for the Benefit of that Fund, should, with other Monies therein mentioned, be invested so as to form a Superannuation Fund: And whereas, under the Act of the Twelfth Year of Her Majesty, "to facilitate the "Performance of the Duties of Justices out of Sessions within *England* "and *Wales* with respect to summary Convictions and Orders," where any Person is convicted of a Penalty, or ordered by a Justice or Justices of the Peace to pay any Money, if the Statute on which the Information or Complaint is framed contain no Directions for the Payment of such Penalty or Money to any Person or Persons, then the same is to be paid to the Treasurer of the

3 & 4 Vict. c. 88.

11 & 12 Vict. c. 43.

 County,

County, Riding, Division, or Liberty, City, Borough, or Place, for which such Justice or Justices shall have acted: And whereas another Statute passed in the said Twelfth Year of Her Majesty, "for regulating the Sale of Beer and other Liquors on the Lord's "Day," repeals certain Provisions and Penalties, a Moiety of which Penalties might under former Acts have been directed to be paid for the Benefit of the said Superannuation Fund, and substitutes other Provisions and Penalties for the Provisions and Penalties so repealed, but contains no Direction for the Payment of such substituted Penalties to any Person or Persons: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That a Moiety of any Penalty imposed on summary Conviction under the said lastly-recited Act may be directed, by the Justice imposing the Penalty, to be paid for the Benefit of the Superannuation Fund herein-before mentioned, and shall be invested and otherwise dealt with accordingly.

11 & 12 Vict. c. 49.

Justices may direct Portions of Penalties under 11 & 12 Vict. c. 49. to be paid to Superannuation Fund.

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and the Word "Lands" shall mean and include all Messuages, Lands, Tenements, and Hereditaments; and the Word "Waste" shall include and extend to any and to all uncultivated or unprofitable Lands; and the Word "County" shall include and extend to a County of any City or Town; and the Words "Estuary" and "Bay" shall include and extend to any Harbour or Roadstead; and the Word "Rivers" shall include and extend to Tributaries of Rivers, and to all other Streams and Watercourses; and the Word "Vessel" shall mean and include any Ship, Boat, Cot, Coble, or Curragh; and the Word "Fish" shall extend to and include Oysters and Oyster Brood; and the Word "Salmon" shall extend to and include Grilse, Peall, Sea Trout, Samlets, Par, and all other Fish of the Salmon Kind, and the Spawn and Fry thereof; and the Word "Trout" shall extend to and include Pollen or Fresh-water Herring, and all Fish of the Trout Kind, and the Spawn and Fry thereof; and the Word "Net" shall mean and include all Descriptions of Tackle, Trawl, Trammel, Stake, Bag, Coghill, Eel, Haul, Draft, and Seine Nets, and all other Engines or Devices, of whatsoever Construction or Materials, or howsoever known or styled, which shall be used for the like Purposes as those in this Act or in the said recited Acts referred to; and the Words "Fixed Net" or "Fixed Engine" shall extend to and include Weirs, Stake, Bag, Stop, and Still Nets, and all other Engines or Devices used for the like Purposes, of whatsoever Construction or Materials the same may be, or however known or styled, and whether fixed to the Soil or held by Hand, or made stationary in any other Way; and the Words "Close Time" or "Close Season" shall mean and include any Time or Season within which it is or shall be prohibited to fish for, take, or destroy any Salmon, Trout, Oysters, or any Fish of any of the Kinds in this Act or in the said recited Acts referred to, or the Brood, Spawn, or Fry thereof; and the Word "Fisheries" shall mean and include all Fisheries, whether several or public; and the Words "Several Fisheries" shall mean and include all Fisheries lawfully possessed and enjoyed as such under any Title whatsoever, being a good and valid Title at Law, exclusively of the Public, by any Person or Persons, whether in navigable Waters or in Waters not navigable, and whether the Soil covered by such Waters be vested in such Person or Persons, or in any other Person or Persons; and the Words "Owner" or "Proprietor" shall mean and include every Person who shall be in the actual Possession or Use and Enjoyment, or Receipt of the Rents or Profits, of any Lands or Fisheries (as the Case may be), save that in every Case in which any Person shall be in possession or receipt of the Rents or Profits of any Fisheries or Lands under any Sequestration, Extent, Elegit, or other Writ of Execution, or as a Receiver under any Order of a Court of Equity, the Person against

whom such Writ shall have issued, or who but for such Order would have been in possession, shall, jointly with the Person in possession by virtue of such Writ or Order, be deemed for the Purposes of this Act to be the Owner of such Fisheries or Lands; and the Words "Judge of Assize" shall, as to Cases arising or to be determined in the County of *Dublin* or County of the City of *Dublin*, mean and include a Judge of any of the Law Courts of Record in *Dublin* at Nisi Prius at the First Sittings after the pronouncing or making of any Order or Decision appealed from or complained of, or if such First Sittings shall commence within Twenty-one Days after the pronouncing or making such Order or Decision, then at the Sittings next immediately after such First Sittings.

In case of Lands and Fisheries vested in one Person, how he may act.

II. And be it enacted, That where any Person shall be the Owner of any Lands, and also the Owner of or interested in some Question as to any Fisheries adjoining to such Lands, or carried on or exercised upon the same, such Person for the Purposes of this Act or the said recited Acts may act and be dealt with in both or either of the several Characters so borne by him as aforesaid.

In case the Owner is under legal Disability, who to act.

III. And be it enacted, That wherever the Owner of any Lands or Fisheries to which the Provisions of this Act or the said recited Acts are intended to apply, or any Person interested in any Question as to any Fisheries, shall be a Minor, Idiot, Lunatic, Feme Covert, beyond the Seas, or under any other legal Disability, the Guardian, Trustee, Committee of the Estate, or Husband of such Person or Owner, or his or her Attorney or Agent respectively, and whom they are hereby empowered to nominate under their Hands and Seal, shall for the Purposes of this Act and the said recited Acts be substituted in the Place of such Owner or Person so interested.

Acts may be done by Agents duly authorized.

IV. And be it enacted, That it shall be lawful for any Land Owner or Fishery Owner, by a Power of Attorney given in Writing under his Hand, to appoint an Agent to act for him in carrying into execution the Provisions of this Act or the said recited Acts; and all Things which by this Act or the said recited Acts are directed to be done by or with relation to any Person may be lawfully done by or with relation to the Agent so duly authorized of such Person; and every such Agent may be dealt with in all respects as such Person himself might have been dealt with under this Act or the said recited Acts; and every such Agent shall have full Power, in the Name and on behalf of his Principal, to take part in or act upon any Inquiry, or prosecute, oppose, or defend any Complaint, Appeal, Action, Writ, Suit, or other Proceeding, or attend, vote at, and take part in any Meeting, or do or suffer any other Act for the Purposes of this Act or the said recited Acts; and every Person shall be bound by the Acts of any such

such Agent, according to the Authority committed to him, as fully as if the Principal of such Agent had so acted; and the Power of Attorney under which the Agent shall have acted shall be produced, inspected, or registered, and Copies or Extracts thereof made, at such Times and Places and in such Manner as the Commissioners appointed for the Execution of the said recited Acts shall direct; and any such Power of Attorney may be in the Form following:

Power of Attorney.

'I *A.B.* of [*&c.*] do hereby appoint *C.D.* of [*&c.*] to be my 'lawful Attorney to act for me in all respects as if I myself were 'present and acting; and I make this Appointment under and by 'virtue of an Act passed in the Year of Her 'present Majesty, intituled [*here insert the Title of this Act*].

(Signed) '*A.B.*'

Conservators empowered at General Meetings to depute Conservators for Electoral Divisions to act for such Electoral Divisions.

11 & 12 Vict. c. 92.

V. And whereas by an Act passed in the Twelfth Year of Her present Majesty's Reign, intituled *An Act for the Protection and Improvement of the Salmon, Trout, and other Inland Fisheries of* Ireland, it was amongst other things enacted, that the said Commissioners for the Execution of the said Act should divide *Ireland* and the Sea Coast and Islands thereof into Districts, and should subdivide each such District into Two or more Electoral Divisions, and that Conservators of Fisheries should be elected and returned for each such Electoral Division, to represent the same; and it was further enacted by the said recited Act, that the Board of Conservators of each District should fix and determine and duly publish Notice of the Times and Places for the General Meetings of such Board, and that it should be lawful for the Board of Conservators for each such District, at some Meeting specially appointed by them, to nominate and appoint a Clerk or Clerks, with reasonable Salaries, and to appoint some Bank to act as Treasurer, and as many Inspectors and Water Bailiffs as might be necessary; and it was further provided by the said recited Act, that all Sums of Money received for Licence Duties and Rates, and for Forfeitures and Penalties, for each such District, should be paid over to and received by such Treasurer, and applied to the Purposes of such District, under the Provisions of the said Act, and that such Treasurer should pay such Sums of Money as should be required for the Purposes of the District from Time to Time, upon a Draft signed by the Chairman at any General Meeting of the Board of Conservators, and by Two other Conservators: And whereas by reason of the large Extent of some of the Districts formed under the Provisions of the said Act it is expedient, for the better Administration thereof, to make further Provisions: Be it therefore enacted, That it shall and may be lawful for the Conservators of Fisheries assembled at any General Meeting for any District under the Provisions of the said Act, if they shall think fit

fit so to do, to make an Order under their Hands and Seals authorizing the Conservators of any Electoral Division or Divisions to hold Meetings within the Division or Divisions for which they may have been elected, and to appoint a Bank to be Treasurer, and to appoint a Clerk, Inspector, and Water Bailiffs to act for such Division or Divisions, with reasonable Salaries: Provided always, that the fixing and duly publishing Notice of the Times and Places for the Meetings of Conservators in such Electoral Divisions, and the Appointment of a Bank to act as Treasurer, and the Appointments of Clerks, Inspectors, and Water Bailiffs, as herein provided, pursuant to such Order, shall be subject to the same Provisions and Regulations as are provided and required by the said recited Act to be observed and done by Boards of Conservators assembled at General District Meetings, with respect to the Premises; and that after any such Order shall have been made the holding of such Meetings and such Appointments shall be good and valid in Law, and it shall and may be lawful for the Conservators assembled at any General District Meeting as aforesaid to apply and appropriate any Portion of the Money received for Licence Duties and Rates, and for Forfeitures and Penalties, for any District, as they shall consider expedient, to and for the Purposes of any such Electoral Division or Divisions, and cause the same to be lodged to the Credit of the Conservators for such Electoral Division or Divisions in the Bank which such Conservators shall as herein provided appoint to act as Treasurer, and such Treasurer shall pay such Sums of Money as shall be required for the Purposes of such Electoral Division or Divisions, from Time to Time, upon a Draft or Order signed by the Chairman at any Meeting of such Conservators for such Electoral Division or Divisions, and by Two other such Conservators: Provided always, that such Conservators acting for any Electoral Division or Divisions as herein provided shall furnish such Accounts of the Disbursements of such Money as may be lodged to their Credit in the Manner aforesaid as the Conservators for any District making such Order as aforesaid shall from Time to Time require.

Existing Fishery Districts, &c. may be altered from Time to Time by the Commissioners.

VI. And whereas the Commissioners appointed under the said recited Acts respectively for the Execution of the same, have, for the Purpose of regulating the Use of certain Engines, and generally for the Purposes of the said recited Acts, made sundry Divisions and Subdivisions of Fishery Districts, and have duly published the same respectively, and Boards of Conservators have been elected for such Districts respectively, which said Divisions and Subdivisions respectively it may be desirable to revise and alter from Time to Time for the Purposes of the said recited Act and of this Act: Be it therefore enacted, That the said Commissioners for the Execution of the said

recited Acts may for the Purposes aforesaid, upon the written Application of and signed by at least One Third Part in Number of the Board of Conservators for any Fishery District, whether now subsisting or which may have been altered, subdivided, united, or made by the said Commissioners under the Authority of this Act, alter or subdivide such District or any Electoral Division thereof, and may fix other Boundaries for the same, or unite any Two or more Electoral Divisions of One District, or make any new or additional or substituted Electoral Division in any District, and to determine the Number of Conservators to be elected for each such Electoral Division: Provided always, that every such Alteration or Subdivision, Union, or Addition, or Substitution shall be duly published and described, with the Boundaries of the same, in such Manner as is in and by an Act passed in the Twelfth Year of Her present Majesty, intituled *An Act for the Protection and Improvement of the Salmon, Trout, and other Inland Fisheries of* Ireland, required to be done in the Case of Divisions and Subdivisions of Fishery Districts made under that Act.

11 & 12 Vict. c. 92.

All Fisheries rated under Poor Law Valuation to pay the same Rate, in addition to Licence Duty, as Several Fisheries.

VII. And whereas by the said recited Act of the Twelfth Year of the Queen it is provided, that in the Case of certain fixed and established Fisheries which are designated Several Fisheries the same are liable, in addition to the Licence Duty provided by the said Act to be paid for the Engines used in fishing such Fishery, to such Sum as an annual Rate as shall be equal to the Amount of the Difference between the Sums paid by such respective Persons for such Licence Duty or Duties as aforesaid and the annual Sum of Ten *per Cent.* upon the Poor Law Valuation of such Fishery, subject to such Alteration of such Per-centage as may from Time to Time be made by the Board of Conservators of the District under the Provisions of the said Act: And whereas it is expedient that the said Liability should be extended to all productive Fisheries which may be rated for the Relief of the Poor at any Time: Be it therefore enacted, That all Salmon, Trout, and Eel Fisheries whatsoever so rated for the Relief of the Poor, whether possessed as Several Fisheries, as so designated in an Act of the Sixth Year of Her present Majesty's Reign, intituled *An Act to regulate the* Irish *Fisheries*, or this Act, or otherwise, shall be liable to the same annual Sum or Rate as aforesaid on the Poor Law Valuation as those Fisheries designated Several Fisheries: Provided always, that such rating shall not confer a Right or Title to any such Fisheries as Several Fisheries, or any other Right or Title which the Persons possessing them would not have possessed if this Act had not passed: Provided also, that such Rate shall be recoverable in like Manner as the same Rate on Several Fisheries.

5 & 6 Vict. c. 106.

VIII. And

VIII. And be it enacted, That where any Monies shall be received by the Treasurer of any District in respect of Licence Duties or Rates for the Period or Term in which the then next Election of Conservators is to take place, such Monies shall, until such Election, be carefully retained by such Treasurer, and shall after such Election be paid over by him to or to the Order of the new Board of Conservators, to be applied by them according to the Provisions of the said recited Acts and of this Act.

District Funds to be applied by the Conservators elected for the Year.

IX. And be it enacted, That any Party who shall conceive himself or any other Person to be unduly or unequally or insufficiently charged by any such Board of Conservators with any Licence Duty as aforesaid, may present his Appeal therefrom, either to the Assistant Barrister for the District or to the going Judges of Assizes at the then or then next Assizes holden for the County or Jurisdiction wherein his Fishery District is situate; and such Assistant Barrister or Judges, as the Case may be, shall hear and examine into such Appeal, and adjudicate thereon, and such their Adjudication shall be final: Provided always, that until and unless any Charge shall be reduced or disallowed by such Assistant Barrister or Judges (as the Case may be), the Party charged shall be deemed liable to the full Amount of Licence Duty wherewith he shall have so been charged: Provided also, that if such Charge shall be so reduced or disallowed as aforesaid such Reduction or Disallowance (as the Case may be) shall relate back to the Time of making such Charge, and shall operate either by way of further Charge or of Discharge in full, or *pro tanto*, as the Case may be; and if it shall operate by way of Discharge as aforesaid, and the Party so discharged shall have theretofore actually paid the Amount of such Charge, he shall immediately upon such Adjudication be entitled to recover back from the said Board of Conservators for such District the full Amount of such Charge, or (as the Case may be) the Excess beyond or over the true Amount of such Charge, in conformity with the said Adjudication: Provided always, that due Notice of the Party's Intention to present such Appeal shall be by him served upon the said Board of Conservators within Ten Days after the making of such Charge: Provided always, that no such Appeal shall lie in respect of any Licence Duties specified in the Schedule annexed to the said Act of the Twelfth Year of Her present Majesty.

Appeal against Amount of Licence Duty.

X. And be it enacted, That in case any Conservator shall die, or become incapable to act, during the Period for which he is elected, the other Conservators elected for the same District (notwithstanding such his Death or Incapacity, and whether any Person shall or not be elected

Provisions in case of Vacancies in the Board of Conservators.

elected in his Room,) shall immediately summon another General Meeting of the Persons in his Electoral Division so entitled to meet as in the said Act of the Twelfth Year of Her present Majesty is mentioned, for the Purpose of electing a Conservator in his Room, and such Meeting shall be so summoned and held as is therein provided with respect to the annual General Meetings, and the Person elected at such Meeting shall be and continue and act as a Conservator for such Electoral Division and District during the Residue of the said Period: Provided nevertheless, that in the meantime and until such new Election the said other Conservators shall act for such District in all respects as they might have done but for such Death or Incapacity.

Justices of the Peace being Conservators not disqualified from sitting at the Trial of Offences against this Act.

XI. And be it enacted, That no elected or other Conservator, being also a Justice of the Peace for the County or Counties or other Jurisdiction within which his District or Electoral Division is situate, shall be thereby disqualified to sit and adjudicate as such Justice of the Peace, or at any Quarter or Petty Sessions within the same, upon any Complaint made or Prosecution instituted by or on the Behalf of the Board of Conservators of which he is such Member, in respect of any Offence against this Act or the said recited Acts: Provided always, that no elected or other Conservator shall be qualified, so long as he holds such Office, to receive or hold any Office or Appointment under this Act to which any Salary, Allowance, or Remuneration is incident.

Penalty for fishing without Licence increased.

XII. And be it enacted, That any Persons using or erecting any Engine, Net, Instrument, or Device whatsoever, without being duly licensed under the Provisions of the before-recited Act of the Twelfth Year of Her Majesty, or this Act, shall be liable to pay such Penalty, not less than double nor more than treble the Licence Duty which the Engine, Net, Instrument, or Device he shall have been so using or erecting would for the Time being be subject to under the said Act or this Act, in addition to the Forfeiture of the Engine so used, anything in the said recited Act to the contrary notwithstanding.

Elections of Conservators to be triennial instead of annual.

11 & 12 Vict. c. 92.

XIII. And whereas it is enacted by the before-recited Act of the Twelfth Year of Her present Majesty's Reign, intituled *An Act for the Protection and Improvement of the Salmon, Trout, and other Inland Fisheries of* Ireland, that for the several Districts, as fixed by the Commissioners, Conservators shall be annually elected and appointed as therein provided; and it is expedient that such Elections should not too frequently take place: Be it therefore enacted, That after the passing of this Act all Conservators

vators appointed at the next Elections for Conservators, and at all future Elections, shall continue to hold Office for Three Years from the Time of their Elections, anything in the said Act to the contrary notwithstanding: Provided always, that if any Board of Conservators shall neglect to give Notice and appoint Times and Places for holding Meetings for Elections, it shall be lawful for the said Commissioners to appoint such Times and Places for such Purpose; and in such Cases the Election of Conservators shall be as good and valid in Law as if the Meeting had been called by the Conservators.

Commissioners may adjudicate on Complaints of illegal Fishing, and order Weirs to be abated.

9 & 10 Vict. c. 114.

XIV. And be it enacted, That when any Party complaining of the erecting, maintaining, or of using any Weir, fixed Net or Engine, shall exhibit to the said Commissioners his Complaint in that Behalf in Writing signed by him, and setting forth such Particulars of his said Complaint as are in the like Case required by an Act passed in the Ninth Year of the Reign of Her present Majesty, intituled *An Act for the further Amendment of an Act passed in the Sixth Year of Her present Majesty, for regulating the* Irish *Fisheries*, the said Commissioners shall thereupon summon before them the Party or Parties (if he or they can be found) erecting, maintaining, or using such Weir, fixed Net or Engine, or if he or they are absent or dead, or under Incapacity, then the Occupier or Occupiers (if any) of the Land whereon the same is so erected, or the Owner or Owners of such Land, if the same shall not be occupied, to attend at some convenient Place within the County or Jurisdiction in which or on the Shore or Boundary of which any such Weir, fixed Net or Engine, or any Part thereof, may be so erected, constructed, maintained, or used; and the said Commissioners shall accordingly, at the Time and Place mentioned in any such Summons, upon Proof of the personal Service of such Summons, or upon Proof of such Summons having been left at or on board the Vessel or at or posted on the known Residence of the Party or Parties so summoned, proceed to hear all such pertinent Evidence as may be adduced before them, whether at the Instance of them the said Commissioners, or on behalf of the Party (if any) making such Complaint, or on behalf of the Party or Parties summoned; and if, after hearing all such Evidence, the said Commissioners shall so think fit and right, it shall be lawful for the said Commissioners (whether the Party or Parties so summoned shall have appeared or not at such Hearing) to make an Order or Decision in Writing under their Hands and Seals, declaring that such Weir, fixed Net or Engine, or any Part thereof, is a Nuisance, and shall be abated and removed; and the said Commissioners shall thereupon, by Warrant under their Hands and Seals, direct or authorize some proper Person to abate and remove such Weir, fixed Net or Engine, or Part thereof, at the Expense of the Party or Parties summoned, or such of them as shall appear to the said Com-

missioners to have erected, constructed, maintained, or used the same, or suffered such Erection, Construction, Maintenance, or User, or any of them, and thereupon the same shall be abated and removed accordingly; and, subject to the Appeal herein-after provided for, it shall be lawful for the said Commissioners to order and direct that the Materials of any such Weir, fixed Net or Engine, or any Part thereof, be forfeited and sold, and the Produce arising from such Sale applied in such Manner as is in the said recited Acts provided in Cases of illegal Nets used or legal Nets illegally used for fishing.

Appeals from such Adjudications.

XV. Provided always, and be it enacted, That if any Person, whether Complainant or Defendant, shall think himself aggrieved by any such Order or Decision of the said Commissioners, such Person may appeal to the next going Judges of Assize at the Assizes to be held for the County, County of the City or Town, in which or on the Shore or Boundary of which any such Weir, fixed Net or Engine, shall have been so erected, constructed, maintained, or used, provided such Assizes shall be held at any Time not less than Thirty-one Days after the Time the said Commissioners shall have made any such Order or Decision; and in case such Assizes shall be held within Thirty-one Days from the Time of such Order or Decision, such Appeal shall be made to the Assizes to be held in and for such County, County of a City or Town, next after such first Assizes; and that no such Appeal shall be allowed, received, heard, or determined unless the Party appealing shall, within Twenty-one Days from the Date of such Order or Decision, give Notice in Writing to the said Commissioners of his Intention to try such Appeal, and decide whether the Party against whom such Complaint was made had a Right to erect, construct, maintain, or use such Weir, fixed Net or Engine, or any Part thereof, or suffer such Erection, Construction, Maintenance, or User, at the Time or in the Place where the same may have been so erected, constructed, maintained, or used: Provided always, that in case of such Appeal being made against any Order or Decision for the Abatement or Removal of any such Weir, fixed Net or Engine, or Part thereof, as aforesaid, and Notice given as aforesaid, the Materials of such Weir, fixed Net or Engine, or Part thereof, as the Case may be, shall be deposited in the Custody of such Officer or Men of Coast Guard or Constabulary, or with such other Party or Person as the said Commissioners may direct or appoint for the Purpose, there to remain and be kept until the Matter of such Appeal shall be decided as aforesaid, or until the Time for prosecuting the same shall have expired; and if such Decision shall be in favour of the Appellant, such Materials shall thereupon be returned, and the Amount of his Expenses (if any) incident to such Abatement, Removal, and Deposit as aforesaid respectively repaid to such Appellant.

XVI. And

XVI. And be it enacted, That no Person or Persons, other than the Person or Persons entitled to exercise such Right as in the said recited Acts or this Act mentioned, shall place, erect, maintain, or use any Weir, fixed Net, or other Contrivance for placing or erecting Nets or taking of Fish on any Parts of the Coast of *Ireland*, or on the Bank or Shore of any River or Estuary wherein the Tide ebbs and flows, or in the Sea or Tideway adjoining such Coast, Bank, or Shore; and that if any Person or Persons, other than the Person or Persons so entitled as aforesaid, shall place, erect, maintain, or use any Weir, fixed Net, or other such Contrivance as aforesaid, contrary to this Act, he or they, being thereof convicted, shall for every such Offence forfeit and pay a Sum not exceeding Ten Pounds nor less than One Pound, together with the further Penalty of Ten Shillings for every Fish taken or destroyed by him or them by means of such Weir, fixed Net, or Contrivance; and the said Weir, fixed Net, or Contrivance shall also be forfeited, and ordered to be abated or removed at the Expense of such Offenders or Offender, by the Commissioners, or (as the Case may be) by the Magistrate before whom such Conviction shall be had, and the Materials thereof shall be disposed of in such Manner as is by the said recited Acts or any of them directed with respect to illegal Nets used or legal Nets illegally used for fishing.

Penalties for erecting or using Weirs contrary to this Act.

XVII. And be it enacted, That if, after any Order or Decision of any Judge of Assize heretofore made for abating or removing any Weir, fixed Net or Engine, or any Part thereof, or after any Order or Decision of any Court whatsoever, which shall at any Time hereafter be made, for abating or removing any Weir, fixed Net or Engine, or any Part thereof, unless and until the same shall be reversed on Appeal, any Person shall erect, re-erect, use, or fish with any Weir, fixed Net or Engine, or any Part thereof, in or adjoining or contiguous to any Place where it may have been or shall be decided by any such Court that any such Weir, fixed Net or Engine, or any Part thereof, should be abated and removed, or if any Person shall erect, re-erect, use, or fish with any Weir, fixed Net or Engine, or any Part thereof, contrary to Law, and after Conviction of any Person for erecting, using, or fishing with any Weir, fixed Net or Engine, or any Part thereof, in the same Place, or in, adjoining, or contiguous to the same Place, or for erecting, using, or fishing with any Weir, fixed Net or Engine, or any Part thereof, of the same Description or used for the same Purposes, then and in every such Case the said Commissioners, or any Two Justices of the Peace for the County or other Jurisdiction wherein the said Weir, fixed Net or Contrivance, or any Part thereof, shall have been so erected or re-erected, or used or fished with, shall, by Warrant under their Hand and

Penalties for erecting or re-erecting Weirs after Conviction.

and Seal, from Time to Time, and so often as any such Weir, fixed Net or Engine, or any Part thereof, as aforesaid, shall be so erected, re-erected, used, or fished with, abate and remove the same, at the Expense of the Party or Parties erecting, re-erecting, using, or fishing with the same, or of the Owners or Occupiers of the Soil whereon such Weir, fixed Net or Engine, or any Part thereof, shall be so erected, re-erected, used, or fished with, (if such Owners or Occupiers shall appear to have permitted or suffered such Erection, Re-erection, Use, or Fishing,) and further, that the Materials of every such Weir, fixed Net or Engine, or such Part thereof as aforesaid, shall be forfeited and sold or otherwise disposed of as the said Commissioners or Justices shall direct; and that the said Party or Parties and Owner shall (independently of all other Forfeitures and Penalties to which under this Act or the said recited Acts he or they may be liable) forfeit and pay for every such Offence any Sum not less than Twenty Pounds, and also any Sum not exceeding Ten Pounds nor less than Two Pounds for every Day during which such Weir, fixed Net or Engine, or such Part thereof, shall continue to be so erected, re-erected, used, or fished with as aforesaid; and that the Produce of such Sale and all such Forfeitures and Penalties respectively shall be disposed of and applied in such Manner as is in and by the said recited Acts directed in regard of illegal Nets or Nets illegally used for fishing.

Not to prevent, in certain Cases, the Erection of Weirs in or adjoining to the Place from which Weirs had been abated and removed by Order of Court.

XVIII. Provided always, and be it enacted, That where any such Order or Decision of any such Court as aforesaid hath been or shall hereafter be made for abating or removing any Weir, fixed Net or Engine, or any Part thereof, merely by reason of its having been erected, used, or fished with on the Soil and without the Permission of the Person being or claiming to be the lawful Owner thereof, and for no other Reason, such Person shall not be thereby estopped or prevented from afterwards erecting, re-erecting, using, or fishing with (subject, nevertheless, to the other Provisions of this Act and the said recited Acts) any such Weir, fixed Net or Engine, or any Part thereof, as aforesaid, or any other Weir, fixed Net or Engine, or any Part thereof, in or adjoining or contiguous to the Place wherein it may have been or shall be decided by such Court as aforesaid that the said first-named Weir, fixed Net or Engine, or such Part thereof, as aforesaid, should be abated and removed: Provided also, that nothing herein contained shall be construed to give to or confer upon any such Person so being or claiming as aforesaid any new or better Title to the said Soil, or any new or better Right to erect, use, or fish with any Weir, fixed Net or Engine, or any Part thereof, in or adjoining to or contiguous to such Place as aforesaid, but that he shall in other respects remain and be subject to the Provisions of the said recited Acts and of this Act in that Behalf set forth.

XIX. And

XIX. And be it enacted, That nothing in the said recited Acts or this Act contained shall take away or in any Manner lessen or impair the Powers of Her Majesty's High Court of Admiralty, or any other Court or Jurisdiction, in relation to the Removal or Abatement of Nuisances accruing or occasioned to Navigation, Fishery, or the Passage of Fish, by the placing or maintaining or using of Weirs, fixed Nets, or other Contrivances.

Nothing to affect or impair Jurisdiction of Admiralty and other Courts.

XX. And be it enacted, That in any Action or Prosecution for or in respect of any of the Trespasses or Nuisances aforesaid it shall not be necessary to set forth in the Declaration or Indictment the Metes or Bounds of the Place in which the Trespass or Nuisance complained of hath been committed, and that it shall be sufficient to state generally that the same was committed within the District in which the Fishery in question shall happen to be situate.

Metes and Bounds not necessary to be set out on Records.

XXI. And whereas Provisions have been made by the said recited Acts for defining the Mouths of Rivers "at their Entrance into the "Sea;" and for the better Protection and Regulation of the Fisheries it may in many Cases be expedient to prohibit the Use of Nets within certain Distances of the Mouths of tributary Rivers at their Entrance into other Rivers, Estuaries, Roadsteads, or Bays: Be it therefore enacted, That it shall and may be lawful for the said Commissioners to define the Mouths of such Rivers, where they shall think fit so to do, subject to the Provisions of the said recited Acts; and when the Mouth of any such River shall have been defined as herein provided, the same Regulations with respect to using, placing, or erecting Nets shall be observed, and may be enforced in like Manner as provided by the said recited Acts and this Act, and any Person offending shall suffer the same Forfeitures and Penalties as therein provided.

Further Powers for defining Mouths of Rivers.

XXII. And be it enacted, That from and after the passing of this Act, if any Person entitled to or possessed of the Fishing of any River or Branch thereof, or any Weir, Dam, or Dyke for the taking of Fish, and not being by Prescription or other legal Title exempted from the Obligation of having, making, or maintaining any Free Gap or Queen's Share therein, shall omit or neglect to have, make, or maintain such Free Gap or Queen's Share of the Dimensions or in the Place or to construct it in the Manner now by Law required, or shall reduce the Width of any existing Free Gap or Queen's Share, or substitute a Free Gap or Queen's Share of less Width in lieu thereof, the said Commissioners may cause such Alterations to be made, and recover the Expenses thereof against such Person, and the Person so offending shall also forfeit and pay a Sum not exceeding Fifty Pounds nor less than Ten Pounds, and shall

Penalties for Neglect to make or maintain the statutory Free Gap or Queen's Share.

shall also for every Fish taken by means of such Weir, Dam, or Dyke, so long as such Free Gap or Queen's Share shall not be left, made, or maintained of the Dimensions or in the Place or shall not be constructed in the Manner now by Law required, or shall be reduced in Width, or shall remain of less Width than that in lieu of which it is substituted, forfeit and pay the Sum of Ten Shillings, and shall also, for every Day during which such Free Gap or Queen's Share shall not be left, made, or maintained of the Dimensions or in the Place or shall not be constructed in the Manner now by Law required, or shall be reduced in Width, or shall remain of less Width than that in lieu of which it is substituted, forfeit and pay a Sum not exceeding Ten Pounds nor less than Five Pounds; and such Expenses and Forfeitures shall be recovered in like Manner as is herein-after provided with respect to Penalties for Offences against the said recited Acts and this Act: Provided always, that the Person who is lawfully entitled to or lawfully possessed of any Weir, Dam, or Dyke, and who shall be not liable or compellable at Law to have, make, widen, or maintain, or to cause to be left, made, widened, or maintained, a Free Gap or Queen's Share therein, shall not be liable to any Penalty for not leaving, making, widening, or maintaining (as the Case may be) such Free Gap or Queen's Share, until his Claim (if any) for Compensation for the Loss or Damage he may sustain by leaving, making, widening, or maintaining such Free Gap or Queen's Share be settled and disposed of, and the Amount of Compensation (if any) paid, tendered, or lodged, according to the Provisions herein-after contained.

Commissioners may require Owners of Weirs in certain Cases to make Gaps therein, and furnish a Claim for Compensation.

XXIII. And be it enacted, That where the Owner of any such Weir, Dam, or Dyke as aforesaid is not liable or compellable at Law to leave, make, widen, or maintain, or to cause to be left, made, widened, or maintained, any such Free Gap or Queen's Share in such Weir, Dam, or Dyke as aforesaid, it shall nevertheless be lawful for the said Commissioners, upon the Application of any Person or Persons who is or are interested in the Fisheries in or Lands adjoining to the River in which any such Weir, Dam, or Dyke shall be situate, or who is or are licensed to fish or fishing within the District or Districts whereunto such River belongs, and who shall deposit or secure, to the Satisfaction of the said Commissioners, the Amount of the Cost of all Proceedings necessary to be taken under the Provisions herein contained (if the said Commissioners shall require such Deposit or Security), to serve a Notice on the Owner, and also the Lessee or Occupier, if any, of such Weir, or at his or their known Place of Abode, and thereby to require the Owner of such Weir, Dam, or Dyke to make, widen, or open a Free Gap or Queen's Share therein of such Construction and Dimensions as the said Commissioners shall deem fit and shall name in such Notice, not varying from the Construction

struction nor exceeding the Dimensions specified in an Act passed in the Sixth Year of Her present Majesty, intituled *An Act to regulate the* Irish *Fisheries*, and to furnish his Claim for Compensation, or his Objections, if any, to making, widening, or opening such Free Gap or Queen's Share, within a Time to be specified in such Notice, not less than Thirty Days from the Service thereof on the Owner, Lessee, or Occupier of such Weir.

5 & 6 Vict. c. 106.

XXIV. And be it enacted, That every Owner of any such Weir, Dam, or Dyke, or of any Share, Estate, or Interest therein, may accept and receive as Satisfaction and Recompence for the Value of any Injury or Damage that shall be sustained on account of making, widening, or opening such Free Gap or Queen's Share, or in anywise relating thereto, such Sum of Money in respect thereof as shall be agreed upon between him respectively and the said Commissioners; and in case the said Commissioners and the said Party interested in such Weir, Dam, or Dyke, or sustaining such Injury or Damage, cannot or do not agree as to the Amount or Value of such Satisfaction, Recompence, or Compensation, the same respectively shall be ascertained and settled in manner herein-after directed.

Satisfaction may be made and accepted.

XXV. And be it enacted, That if any such Owner of such Weir, Dam, or Dyke as aforesaid shall neglect or refuse to treat or shall not agree with the said Commissioners, or by reason of Absence or Disability cannot agree, or cannot be found or known, or shall not prove to the Satisfaction of the said Commissioners a clear Title to receive such Recompence or Compensation as aforesaid, or in case any such Owner of a Weir, Dam, or Dyke wherein such Gap is to be made, widened, or opened as aforesaid shall not accept such Satisfaction or Recompence for the same as shall be offered by the said Commissioners, for the Space of Thirty Days after Notice in Writing given to the known Agent or Attorney of such Owner as aforesaid, or left at his Place of Abode, or at the House of the Lessee of such Weir wherein such Gap is intended to be made, widened, or opened as aforesaid, or in case the Parties interested in the Fisheries in or Lands adjoining the River in which such Weir, Dam, or Dyke shall be situate, or Fishing within the District or Districts whereunto such River belongs, shall not agree with the Owner of such Weir, Dam, or Dyke, or shall not subscribe and deposit the Amount which the said Commissioners may agree upon with the said Owner of such Weir, Dam, or Dyke as the Amount of Compensation to be paid for making, widening, or opening such Free Gap or Queen's Share, or shall not agree upon the Proportions in which such Amount of Compensation is to be paid by the said several Parties respectively, then in every such Case the said Commissioners

Commissioners empowered to assess the Value in case of Dispute.

are

are hereby empowered, at a Time and Place to be specified in a Notice to be served as aforesaid, and published once in the *Dublin Gazette*, and once in each Week for Three successive Weeks in a Newspaper circulating in the County or Counties in which such Weir, Dam, or Dyke shall be situate, and through or by which such River shall flow, to inquire and examine and assess and award the Sum of Money to be paid for such Recompence or Compensation as aforesaid, and ascertain and settle in what Proportions the Parties interested in the Fisheries in or the Lands adjoining such River, or Fishing within the District or Districts whereunto such River belongs, should contribute to pay the Sum so awarded, and the said Commissioners shall award such Recompence so to be assessed; and the said Commissioners shall in such Award name or describe the Persons (if known to the said Commissioners) to whom respectively the Sum mentioned therein shall be paid, and in what Proportions the same shall be paid to and among such Persons where more than One, and the Weir, naming or describing the same, in respect of which such Sum has been so awarded, and the Position and Breadth of such Free Gap or Queen's Share, and the Names or other Descriptions of the Parties who are to contribute the Amount awarded for such Recompence or Compensation as aforesaid, and the Proportion to be contributed by each respectively; and the said Commissioners shall notify and appoint a Time and Place for holding a Meeting for the Confirmation of their said Award, and shall attend at such Time and Place, and at such Meeting, or at some Adjournment thereof, proceed to consider each Case, and hear all Objections which may be made thereto by any Person whatsoever, and receive all such Evidence as they shall find pertinent and proper, and amend or confirm and settle each such Award accordingly; and such Award shall be conclusive and binding upon the Queen's most Excellent Majesty and all other Persons interested, except in the Case and subject to the Provisions herein-after contained: Provided always, that the Person who shall under the Provision before mentioned contribute in respect of Lands to such Compensation shall be the Owner in Fee Simple or Fee Tail, or for a Lease of Lives renewable for ever, or for Life with Remainder to his Issue, or for ever, or for a Term of which not less than One hundred Years are unexpired, and from whom the Fishery or Right of fishing shall not have been reserved.

Any Person dissatisfied with the Adjudication of the Commissioners may appeal to a Judge at the Assizes.

XXVI. And be it enacted, That if the Owner or other Person claiming Compensation on account of such making, widening, or opening of the Free Gap or Queen's Share in such Weir, Dam, or Dyke, or any Person liable to pay such Compensation as aforesaid, shall be dissatisfied with the Award of the said Commissioners, it shall be lawful for the Person so dissatisfied to appeal to the Judges of Assize, or One of them, at the Assizes which shall be held next after any such

Award shall have been made and settled as aforesaid for the County wherein such Weir, Dam, or Dyke shall be wholly or in part situate, (provided the same shall not be held sooner than Thirty-one Days after the making of such Award,) the Party appealing, if there be sufficient Time after the making of such Award, having first given to the said Commissioners Twenty-one Days Notice at least of his Intention of bringing such Appeal, and of the Matter thereof; and if there shall not be Thirty-one Days between the making of such Award and the Day appointed for holding such Assizes, then such Appeal may be tried at the Assizes which shall be holden for such County next after the Expiration of Thirty-one Days from the making such Award, and the like Notice thereof shall be given; and any Judge at such Assizes or any Adjournment thereof, upon due Proof of such Notice having been given, is hereby empowered and required to hear and finally determine the Matter of such Appeal, in such and the same Manner as he is at present empowered to do in Cases of Appeal from Decrees on Civil Bills made by Assistant Barristers at Quarter Sessions in *Ireland*: Provided always, that if such Dam, Weir, or Dyke shall be situate in more than One County or between Two or more Counties, such Appeal shall be tried at the Assizes to be held in the County the Assize Town of which shall be nearest to such Weir, Dam, or Dyke; and provided also, that if no Notice of Appeal shall be served on the said Commissioners within Twenty-one Days next after their Award shall be made the same shall be final, binding, and conclusive upon all Persons and to all Intents and Purposes whatsoever.

If no Appeal within 21 Days Award to be final.

XXVII. And be it enacted, That in all such Cases of Appeal as aforesaid the said Judges of Assize, or One of them, shall give Judgment in respect to the Matter of such Appeal, and such Judgment shall be final, binding, and conclusive to all Intents and Purposes against all Parties, Corporations, and Persons.

Judgments to be final.

XXVIII. And be it enacted, That such of the aforesaid Awards of the said Commissioners as shall not be appealed from, and the Judgments so given as aforesaid, shall be respectively transmitted to and be kept by the respective Clerks of the Peace of the Counties in which the Land in respect of which such Awards or Judgments shall have been respectively made shall be situate, and shall be deposited with the Records, and deemed Records of such Counties respectively, to all Intents and Purposes, and the same, or certified Copies thereof, shall be allowed to be good Evidence in all Courts whatsoever, and all Persons shall have Liberty to inspect the same, paying for such Inspection the Sum of Sixpence, or to have Copies thereof, paying for every Copy the Sum of Three Halfpence for every

Awards and Judgments to be recorded.

every Seventy-two Words, and so in proportion for any greater or less Number of Words.

How the Award or Judgment shall be enforced.

XXIX. And be it enacted, That upon Award or Judgment being so made and transmitted as aforesaid the said Commissioners shall cause a final Notice to be served on the Proprietor, Lessee, or Occupier of such Weir, Dam, or Dyke, and a Copy thereof to be published once in the *Dublin Gazette*, and once in each Week for Three successive Weeks in some One or more Newspapers circulating in the County or Counties in which such Weir, Dam, or Dyke shall be situate, stating that all the Requisites of this Act in respect to the making such Award or Judgment had been fully complied with, and calling upon all Parties liable under such Award or Judgment to pay to the said Commissioners, within a Time to be specified in such Notice, not less than Three Months from the Date thereof, the Sums of Money which such Parties thereby became liable to pay; and the Publication of such Notice shall be deemed final and conclusive Evidence that the several preliminary Measures herein-before required to be taken and observed in respect to such Award or Judgment had been duly taken and observed; and from and after the Publication of such Notice all the Parties liable under such Award or Judgment shall be bound to contribute the Sum awarded, assessed, or ascertained, in the Proportions fixed by such Award or Judgment, and within the Time specified in such Notice.

If not paid it may be sued for.

XXX. And be it enacted, That if any Portion of the Money so to be contributed shall remain unpaid to the said Commissioners after the Expiration of the Time specified in such Notice as last aforesaid, then it shall be lawful for the said Commissioners to recover the same from the Parties liable thereto under the said Award or Judgment who shall make default in the Payment thereof, or the lawful Representatives of such Parties, by Civil Bill, or by Action or Suit in any of the Superior Courts in *Dublin*: Provided always, that where any Party so making default, or his lawful Representatives, shall be insolvent, or absent beyond Seas, or unable to be found, the Conservators of the District or Districts through or by which such River shall flow shall, notwithstanding anything contained in this Act or the said recited Acts to the contrary, apply from Time to Time any Portion of the Funds in the Hands of the Treasurers to the Credit of such District or Districts, for the Purposes of making good any Deficiency of Money so to be contributed which shall have been occasioned by such Default, together with full Costs and Expenses, and either in One Sum or by Instalments, as the said Commissioners shall appoint.

XXXI. And

XXXI. And be it enacted, That upon Receipt of the Money so agreed, awarded, or adjudged to be paid as Satisfaction or Recompence for enlarging or opening such Free Gap or Queen's Share in such Weir, Dam, or Dyke, under the Provisions herein-before contained, the said Commissioners shall forthwith pay the same to such Persons or in such Manner as is provided and directed by the said Act of the Sixth Year of Her Majesty, in regard of Monies agreed, awarded, or adjudged to be paid as Satisfaction or Recompence for enlarging or opening a Free Gap or Queen's Share under the Provisions of the said last-mentioned Act; and thereupon the said Commissioners shall take such Proceedings for the Purpose of causing the required Alterations in such Weir, Dam, or Dyke to be made and completed, and the objectionable Parts thereof to be removed, as they are by the said Act of the Sixth Year of Her said Majesty empowered to take in the Cases specified in or arising under the said Act for the like Purposes.

Compensation to be paid over, when received, and the Alterations in the Weir, &c. to be made, as directed by the 5 & 6 Vict. c. 106.

XXXII. Provided always, and be it enacted, That nothing herein-before contained respecting the making or maintaining such Free Gap or Queen's Share shall be construed to extend to Weirs, Banks, or Heads used for the sustaining the Supply of Water to Mills, Factories, or Navigation, if such Weirs, Banks, or Heads shall not be made use of for the Purpose of taking Salmon or other Fish in any Manner whatsoever.

Savings for Mill Weirs.

XXXIII. And be it enacted, That in all Cases where the said Commissioners shall, by virtue of the Provisions in this Act contained, open or cause to be opened, in any Weir, Dam, or Dyke, a Gap of the Dimensions prescribed by this Act, or remove any Obstructions hereby declared to be illegal, it shall not be necessary for the said Commissioners, or any Person executing their Orders, to rebuild any Part of such Weir, Dam, or Dyke, or of the Works appertaining thereto, nor to fix up or erect altered or improved Boxes, Rails, or Cruives, nor shall they be answerable or accountable for any Damage or Injury arising to such Weir, Dam, or Dyke, or to such Box, Rail, or Cruive, in consequence of such Removal as aforesaid.

Commissioners not bound to do more than open the Passages required by this Act, and not liable for consequential Damages.

XXXIV. And be it enacted, That every Proprietor, Lessee, or other Person who shall be engaged in fishing for Salmon by means of Nets of any Kind or Description, shall remove and carry away, or cause to be removed or carried away, from any Strand, or from the Banks of any River, or from the Vicinity thereof, during the yearly Close Season, all such Nets; and in case any such Person shall omit or neglect to remove or carry away, or cause to be removed or carried away, such Nets as aforesaid, he shall forfeit all such Nets, and shall forfeit

Removal of Nets from the Banks of Rivers during Close Seasons.

forfeit and pay a Sum not exceeding Ten Pounds nor less than Two Pounds.

Having in possession Part of a Salmon or Trout, liable to Penalty.

XXXV. And whereas Persons having in their Possession or exposing for Sale a Salmon or Trout in the Close Season are now by Law liable to certain Penalties and Forfeitures in certain Cases: Be it enacted, That any Person in whose Possession any Part or Portion of a Salmon or Trout shall be found or exposed for Sale during the Close Season shall be in the like Cases subject to the like Penalties and Forfeitures as are provided by the said recited Acts or any of them; and all Persons empowered to enforce the Provisions of the said recited Acts and this Act shall be and are hereby empowered to seize all such Salmon or Trout, or any such Portion thereof as aforesaid, when so found in the Possession of any Person or exposed for Sale during the Close Season.

Penalty for poisoning Rivers for the Purpose of taking Fish.

XXXVI. And whereas great Destruction to Fish and the Spawn and Fry thereof is in some Places occasioned by placing Matters poisonous to Fish in Rivers for the Purpose of capturing them: And whereas the Laws at present in force have proved insufficient to suppress this destructive Practice: Be it therefore enacted, That any Person found on the Bank of or near any River with any deleterious Matter in his Possession, under such Circumstances as shall satisfy the Court before whom he may be tried that such Person had employed or was about to employ such deleterious Matter for the Capture or Destruction of Fish, the said Court is hereby empowered to inflict on such Person a Penalty not less than Five Pounds nor more than Ten Pounds for every such Offence; and any Person found taking Fish from any River or Lake, where it shall be proved to the Satisfaction of any Justice or Justices that such Fish have been wilfully poisoned, shall be subject to a Penalty of not less than Ten Shillings nor more than Five Pounds.

Nets and other Engines not to be used within certain Distances of Weirs.

XXXVII. And whereas in many Rivers Fish are impeded in their Passage up and down by means of Weirs used for supplying Water to Mills or Factories or for Navigation: Be it therefore enacted, That it shall not be lawful to use any Net, Instrument, or Device for taking Fish (save and except Rods and Lines only) within Two hundred Yards of any such Weir, either above or below the same; and if any Person shall offend against this Provision he shall forfeit and pay a Sum not less than Two Pounds nor more than Ten Pounds for every such Offence, and shall also forfeit such Net, Instrument, or Device: Provided always, that where such Right has been exercised in any such Place by any Person or Persons lawfully possessed of a Several Fishery therein for Twenty Years next before the

passing

passing of this Act, he shall not be subject to the Penalty hereinbefore provided.

Boxes, Cribs, &c. in the Tideway during Weekly Close Time to be subject to Regulations of 5 & 6 Vict. c. 106., upon the Certificate of the Commissioners.

XXXVIII. And be it enacted, That it shall not be lawful to take Salmon or Trout in any Crib, Box, Cruive, Eye, Sluice, or Gap, in any Salmon, Eel, or other Weirs, whether the same be set in the Tideway or in the Fresh-water Portion of any River, between the Low Water next in point of Time before Six o'Clock on *Saturday* Night and the Low Water next in point of Time before Six o'Clock on *Monday* Morning, if the Weir be in the Tideway, nor between Six o'Clock on *Saturday* Evening and Six o'Clock on *Monday* Morning, if the Weir be in the Fresh-water Portion of any River; and in case any Question or Doubt should arise as to whether any such Weir is in the Tideway or in the Fresh-water Portion of the River, it shall be competent to the Commissioners, on Application to them, to determine, by Certificate under their Hands and Seals, whether such Weirs should be subject to the aforesaid Regulation relating to the Tideway, or to the aforesaid Regulations relating to the Fresh Water, as to the said Close Time; and a Copy of such Certificate shall be lodged with the Clerk of the Peace for the County or Counties in which such Weirs shall be situate, and an attested Copy thereof, certified by such Clerk of the Peace, shall be received as Evidence of the Determination so made by the said Commissioners; and any Person offending against the said Regulations respectively shall be subject to the Forfeitures and Penalties provided by the said recited Act or this Act for Breaches of the Law in respect to the Weekly Close Time or Close Season.

Mill Sluices to be opened or shut as by Law required at all Times when Mills are out of use, subject to a Penalty.

XXXIX. And be it enacted, That the Waste Sluices, Waste Gates, or Overfalls of the Weirs of any Mill or Factory deriving their Supply from Rivers frequented by Salmon shall, at all Seasons of the Year when and during the Time such Mills or Factories shall not be used for Milling Purposes, be kept open, if no Passage for Fish be provided; and when such Passage for Fish shall be provided, then the Sluices which admit the Water to such Mills or Factories, and the Waste Sluices, Waste Gates, or Overfalls, shall be kept down or shut, to force the Water through such Passage for Fish, as provided by the said Act of the Sixth Year of Her present Majesty's Reign, intituled *An Act to regulate the* Irish *Fisheries;* and if the Owners of any such Mill or Factory not used for Milling Purposes as aforesaid shall omit to keep any such Sluice or Sluices, Waste Gates, or Overfalls shut as aforesaid, or open as aforesaid, as required in the respective Cases aforesaid, he shall forfeit and pay a Sum not less than Two Pounds nor more than Ten Pounds for every such Offence: Provided always, that the opening or shutting of such Sluices,

5 & 6 Vict. c. 106.

Waste Gates, or Overfalls shall not in any way injuriously interfere with the Machinery or Water Power of any Mill or Factory whatsoever.

Otters, Spears, Gaffs, &c. prohibited.

XL. And be it enacted, That it shall not be lawful, in any Fresh-water River or Lake, at any Season of the Year, to use for the Purpose of taking Fish any Otter, Lyster, Spear, Strokehaul, Dree Draw, or Gaff, (except when the latter Implement may be used solely as auxiliary to angling with Rod and Line, or for the Purpose of removing Fish from any legal Weir or Box by the Owner or Occupier thereof,) and if any Person shall offend against this Provision he shall upon Conviction thereof forfeit and pay any Sum not exceeding Ten Pounds nor less than Four Pounds, and shall also forfeit such Implement and the Materials thereof: Provided always, that nothing herein contained shall be construed to extend to Eel Spears.

Power to make Oyster Beds.

XLI. And be it enacted, That it shall and may be lawful for the Owner or Occupier of any Land bordering on the Sea or any Estuary, with the Permission in Writing of the said Commissioners, or for any Person or Persons, with the Consent of such Owner or Occupier, and with the Permission in Writing of the said Commissioners, to form or plant any Oyster Bed or Laying on the Shore adjacent to such Lands, and either above or below the Level of the lowest Water Marks of Spring Tides, as the said Commissioners shall think fit; and it shall be lawful for the several Persons forming or planting any such Oyster Bed or Laying to hold the same as private Property, and to exercise an exclusive Control over the same, and such Oyster Beds shall be entitled to the like Protection as by the said recited Acts is provided in case of any other Oyster Beds or Layings being the exclusive Property of any Person: Provided always, that the forming and planting of such Oyster Beds as aforesaid shall not give any exclusive Right or Title to the Occupancy of the said Shore, except for the Purpose aforesaid, or to the Appropriation of any public Banks or Beds at present resorted to for Oysters, but that the Rights herein-before granted and conferred are to be considered as exclusively applying to Places where no such public Oyster Beds at present exist; saving to the Queen's most Excellent Majesty and all the Subjects of this Realm the free and full Exercise and Enjoyment of all other Rights of Fishing or other Rights whatsoever in or along the said Shore, subject to the Provisions herein contained.

Penalty for stealing Oysters or

XLII. And be it enacted, That if any Person shall steal any Oysters or Oyster Brood from any Oyster Bed or Laying, being the exclusive

exclusive Property of any other Person or Persons, and sufficiently marked out and known as such, every such Offender shall be deemed guilty of Larceny, and being convicted thereof shall be punished accordingly, unless it shall appear that the Party taking such Oysters, or accused of stealing the same, acted under a fair and reasonable Supposition that either he himself, or any other Person in whose Right or by whose Authority he acted, or the Public at large, had a Right to take the said Oysters, and to convert the same to his or their own Use.

Oyster Brood.

XLIII. And be it enacted, That Stake Weirs, Stake Nets, and other fixed Nets, in the Sea or Tidalways, shall be so placed and erected, maintained and used, as that clear Openings for the free Passage of Fish as in the said recited Acts provided can be made in the Pouches and Traps thereof; and if any Person shall offend by placing, erecting, maintaining, or using any Weir, Net, Leader, Engine, or Work in any Manner hereby prohibited, or neglect to construct the same in the Mode required by the Provisions contained in the said Acts, he shall for every such Offence forfeit a Sum not exceeding Ten Pounds nor less than One Pound.

Further Regulations as to Stake Nets, &c.

XLIV. And be it enacted, That it shall not be lawful for any Person, save and except the Owner of a Several Fishery within the Limits thereof, at any Time to shoot, draw, or use any Net for taking Salmon at the Mouth of any River, where the Breadth of such Mouth between the Banks thereof shall not exceed a Quarter of a Mile Statute Measure; and that it shall not be lawful for any Person, save such Owner as aforesaid, within such Limits as aforesaid, to shoot, draw, or use any Net for taking Salmon within Half a Mile Seaward, or Half a Mile Inwards, or along the Coast from the Mouth of any River, such Mouth to be defined, ascertained, and mapped, in case of Dispute, by the said Commissioners; and that it shall not be lawful for any Person, save and except the Owner of a Several Fishery in the whole of a River and its Tributaries, within the Limits of such Several Fishery, to shoot, draw, stretch, or use Nets at the Mouth or any other Part of any River in such wise as, in the Judgment of the Commissioners, to be injurious or detrimental to the free Passage of Fish, and which they shall have prohibited by some Bye Law duly published as the Law directs; and if any Person shall offend by shooting, drawing, stretching, or using any Net in any Place or Manner hereby prohibited, he shall for every such Offence forfeit a Sum not exceeding Ten Pounds nor less than One Pound, and also the further Penalty of Five Shillings for every Fish taken by means of such Net in such Place and Manner so prohibited as aforesaid; and such Net shall also be forfeited.

Nets for taking Salmon not to be used at the Mouths of narrow Rivers, nor to be stretched across the Mouths or any other Parts of Rivers.

XLV. And

Close Season for Trout Fishing.

XLV. And be it enacted, That no Person shall kill, take, or destroy, in any Lakes or Rivers, any Trout, between the Twenty-ninth Day of *September* in any Year and the last Day of *February* in the Year following, nor shall any fixed Crib, Cruive, Box, or other Device, nor any Haul, Draw, or other Net of any Description, for the catching of such Trout, be used in any Lake or River frequented by Salmon, between the First and Twenty-ninth Day of *September* in any Year, or at such Periods as may be or may have been fixed for certain Lakes and Rivers by the said Commissioners in respect of Salmon Fishing, under the Powers in the said recited Acts contained.

Penalties for not opening or removing Cribs, &c. in Weekly Close Time.

XLVI. And be it enacted, That any Person occupying or using any Crib, Box, Cruive, Stake, Flood, Ebb, or Head Weir, Stake, Bag, or other fixed Net, Basket, or other Engines for catching Fish, and failing to remove or open the same as required by the said Act of the Sixth Year of Her Majesty, and any Person using any Means, Device, or Contrivance to prevent the free Passage through such Box, Cruive, or Engine, or in any way or by any Means wilfully frightening or scaring, or attempting to frighten or scare, any Salmon or other Fish from passing through such Box, Crib, Cruive, Pouch, Trap, Eye, Sluice, Gap, or other Engine, or taking therein any Salmon between Six of the Clock on *Saturday* Evening and Six of the Clock on *Monday* Morning, or between the Low Waters next in point of Time to those Periods respectively, as the Case may be, shall for every such Offence forfeit and pay a Sum not less than Ten Pounds and not exceeding Fifty Pounds: Provided always, that nothing herein contained shall be construed to render liable to any Penalty any Person who shall be able satisfactorily to prove that he was prevented by Floods, Storm, or Stress of Weather from removing such Leaders or making such Openings as aforesaid, during the Continuance of such Prevention, but no longer.

Offences committed in Rivers, &c. forming Boundaries of Two Districts of Petty Sessions may be tried before Justice of either District.

XLVII. And whereas it is enacted in the before-recited Act of the Sixth Year of Her present Majesty, that where any of the Offences mentioned in that Act shall be committed in or upon any Lakes, Rivers, or Streams forming the Boundaries or Mearing Lines between any Two Counties, Districts of Quarter Sessions, or Districts of Petty Sessions, such Offence shall and may be prosecuted before any Justice or Justices of the Peace in either of such Counties or Districts, and may be alleged and stated to have been committed therein; and Doubts have arisen as to the Meaning of the said Clause: Be it enacted, That where any of the Offences mentioned in this or any of the said recited Acts shall be committed in or upon any Lakes, Rivers, or Streams forming the Boundaries or Mearing Lines between any Two Districts of Petty Sessions, such Offence shall be prosecuted before

before any Justice or Justices of the Peace in either of such Districts, and in no other, and may be alleged and stated to have been committed therein, anything in the said Acts to the contrary notwithstanding.

Recovery of Expenses.

XLVIII. And be it enacted, That wheresoever, under the Provisions of this Act or the said recited Acts, any Justice or Justices of the Peace or the said Commissioners or Conservators are authorized or empowered or required to execute any Work, or remove or alter any Weir or other Erection, or to do any Matter or Thing, at the Expense of any Offender, such Justice or Justices, or Commissioners or Conservators, as the Case may be, shall ascertain the Amount of such Expenses, and direct Payment thereof to be made by such Offender to such Person as he or they may think fit, and it shall be lawful for such Person to sue for and recover the same by Civil Bill or by Action or Suit in any of the Superior Courts in *Dublin*; and a Certificate in Writing under the Hand or Hands of such Justice or Justices, or Commissioners or Conservators, as the Case may be, shall be conclusive Evidence of the Amount of such Expenses, and of the Liability of the Party therein named to pay the same, and of the Right of the Person thereby authorized to sue for and recover the same.

The Mode in which Penalties are to be levied.

XLIX. And be it enacted, That all Penalties directed to be enforced against any Person or Persons offending contrary to the Provisions of this Act or the said recited Acts shall be levied by the same Persons and in the same Manner as all Fines and Penalties may by Law be levied, or by the Officers and Men of the Coast Guard Service or of the Constabulary Force.

Form of Conviction.

L. And be it enacted, That the Justice or Justices before whom any Person shall be convicted of any Offence against this Act or of any of the said recited Acts shall cause the Conviction to be drawn up in the following Form of Words, or in any other Form of Words to the same Effect; (that is to say,)

'BE it remembered, That on the Day of in the Year of
'our Lord at in the County of [*or* City,
'Town, or Place, *as the Case may be*,] *A. O.* is, upon the Complaint
'of *G.H.*, convicted before me *J.P.*, One of Her Majesty's Justices
'[*or* before us *C.D.* and *E.F.*, Justices] of the Peace for the said
'County of in pursuance of an Act made in the
'Year of the Reign of Her Majesty Queen Victoria, intituled [*here*
'*insert the Title of the Act*], for that the said *A. O.* [*here state the*
'*Offence, and the Time and Place when and where the same was*
'*committed*]; and I [*or* we] do hereby adjudge him to pay and
'forfeit for the said Offence the Sum of of lawful Money
'of Great Britain, together with the further Sum of for

'Costs of Suit and Prosecution of the said *G.H*; [*and in case any Nets or other Engines are to be forfeited*] I [*or* we] do hereby further adjudge that the Nets or other Engines, *et cetera* [*describing the same,*] be and the same are hereby forfeited. Given under my Hand and Seal [*or* our Hands and Seals, *as the Case may be*], at in the County of the Day and Year above written.'

Which said Conviction and Adjudication shall be good and valid in Law to all Intents and Purposes, and shall not be quashed, set aside, or adjudged void or insufficient for Want of Form only, and shall not be liable to be removed by Certiorari or otherwise into Her Majesty's Court of Queen's Bench, or any other of Her Majesty's Courts of Record at *Dublin*, but shall be deemed and taken to be final to all Intents and Purposes whatsoever, unless the same shall be reversed on Appeal as herein-after provided: Provided always, that no Person shall be convicted of any Offence committed against the Provisions of this Act unless the Prosecution for the same shall be commenced within Six Calendar Months from the Time of the Commission of such Offence.

Appeal from Convictions to Judges of Assize.

LI. And be it enacted, That in all Cases where any Person has any Right of Appeal against any Judgment, Order, Proceeding, or Conviction for placing, erecting, maintaining, or using any fixed Net, Weir, or Engine, or any Part thereof, whereby such Person is aggrieved, such Appeal shall (subject to the specific Provisions herein-before contained) be to the next going Judges of Assize at the Assizes to be held for the County or for the City or Place where such Judgment, Order, Proceeding, or Conviction shall have been given, had, or made, or such alleged Offence shall have been committed, provided that such Assizes shall be held at any Time not less than Twenty-one Days after the Time such Judgment, Order, Proceeding, or Conviction shall have been given, had, or made; and in case such Assizes shall be held within Twenty-one Days from the Time of such Judgment, Order, Proceeding, or Conviction, such Appeal shall be to the going Judges of Assize for the Assizes to be holden next but One after such Judgment, Order, Proceeding, or Conviction in such Division of the County, City, or Place as aforesaid, and that no such Appeal shall be allowed, received, heard, or determined unless the Party appealing shall within Ten Days next after, or, if the Court appealed from shall think right so to require it, immediately on the pronouncing, having, or making of such Judgment, Order, Proceeding, or Conviction, enter into a Recognizance, with Two sufficient Sureties, before such Court, or before any Magistrate of such County, City, or Place, in a Sum not less than Fifty Pounds, conditioned personally to appear at the said Assizes to try such Appeal, and abide the Judgment of the said Judges there, and to pay such Costs and Expenses

Expenses as the said Judges at the said Assizes may award against him.

LII. And be it enacted, That in case any Justice or Justices of the Peace shall dismiss any Complaint made under the Authority of this Act or of the said recited Acts, or any of them, such Dismissal shall be drawn up and signed by such Justice or Justices in the Form following; (that is to say,) Form of Dismissal.

'BE it remembered, That on the Day of, in
' the Year of our Lord C.D. of was
' charged before me [*or* us] on the Complaint of *A. B.* of
' for that the said *C.D.* did [*here state the Offence charged, and the*
' *Time and Place when and where the same was committed*], con-
' trary to the Provisions of an Act, intituled [*here insert the Title*
' *of the Act*]; and it appearing to me [*or* us] that the said *C.D.* is
' not guilty of such Offence so charged against him as aforesaid by
' the said *A.B.*, we therefore do adjudge that the said Complaint be
' and the same is hereby dismissed. Given under my Hand and Seal
' [*or* our Hands and Seals, *as the Case may be*], at in the
' County of the Day and Year first above written.'

And if any Person prosecuting shall feel aggrieved by such Order of Dismissal it shall and may be lawful for such Person to appeal to such Judges of Assize as herein-before directed with regard to Appeals from any Conviction, upon giving the like Notice as herein-before prescribed, and entering into a Recognizance, with Two sufficient Sureties, before any Magistrate, in any Sum not less than Ten Pounds, conditioned for the Payment of all such Costs and Expenses as shall be adjudged against him on the Hearing of such Appeal. Appeal against Dismissal.

LIII. And be it enacted, That it shall and may be lawful for the Judges of Assize assembled at any such Assizes as aforesaid to rehear the Subject Matter of such Conviction or Order of Dismissal as last aforesaid, and either affirm or reverse the same, or impose or increase or reduce any Penalty which may have been adjudged, such Imposition or Increase nevertheless not to amount to a greater Sum nor such Reduction to be to a smaller Sum than by this Act or the said recited Acts is directed; and in case such Conviction shall be affirmed it shall be lawful for such Judges to award such Costs and Expenses to the Prosecutor, and any Witnesses who may be examined in support of such Prosecution, as they may think reasonable; and in case the Party appealing from any such Order of Dismissal as aforesaid shall not appear at such Assizes as aforesaid to prosecute the same, such Order of Dismissal shall be affirmed; and it shall be lawful for the said Judges to award to the Person accused such Costs and Expenses of Witnesses as they may think Proceedings on Appeal.

think reasonable; and in case any Appellant or Respondent on any such Appeal shall not pay any Costs or Expenses which may be so awarded against him his Recognizances shall be estreated.

Courts may award Costs.

LIV. And be it enacted, That it shall be lawful for the Commissioners, Judges of Assize, Justices of the Peace, or any of the Courts in this Act or in the said recited Acts mentioned, where any Complaint, Suit, Action, or Indictment shall have been heard or tried and determined before them respectively under this Act or the said recited Acts, to order that the Costs, Charges, and Expenses of and incident to such Complaint, Suit, Action, or Indictment, and the Proceedings therein, and the Hearing or Trial and Determination thereof, shall follow the Event of the same respectively, and be borne and paid, by the Party against whom the same shall have been determined, and that such Costs, Charges, and Expenses shall be estimated, either as between Party and Party or as between Attorney and Client, at the Discretion of such Commissioners, Judges, Justices, or Courts respectively; which Costs, Charges, and Expenses, being so ordered as aforesaid, shall be recovered against the Party therewith charged in the same Manner as is herein-before specifically provided with respect to Costs in certain Cases.

Recited Acts to be read with this Act.

LV. And be it enacted, That this Act and the said recited Acts shall for the Purposes thereof respectively be read and construed together as One Act, and the said recited Acts shall remain in full Force and Effect, except where the Provisions thereof are repealed or altered by this Act or are repugnant thereto.

Saving Rights of the Crown.

LVI. Provided always, and be it enacted, That nothing contained in this Act or in any of the Acts recited or referred to shall extend or be construed to extend to alienate, defeat, lessen, abridge, or derogate from, or in any Manner affect, any Estate, Right, Title, Interest, Franchise, Royalty, Prerogative, or Jurisdiction vested in or appertaining to the Queen's most Excellent Majesty, Her Heirs or Successors, in Right of Her Crown, or otherwise howsoever.

Act may be amended, &c.

LVII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

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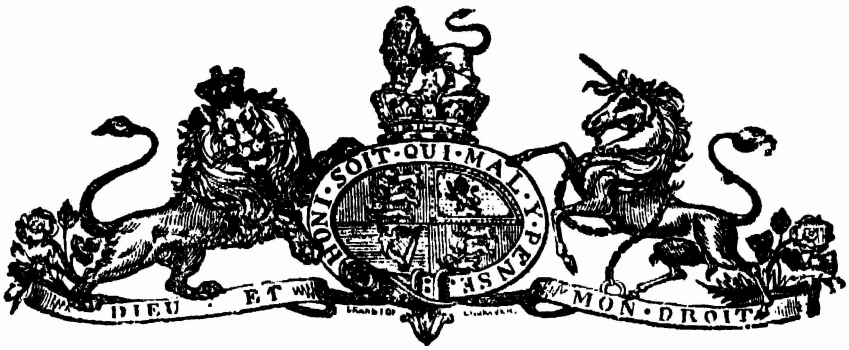

ANNO DECIMO TERTIO & DECIMO QUARTO

VICTORIÆ REGINÆ.

***

Court to have same Jurisdiction on Petition and Order to have same Authority as in a Suit

II. And be it enacted, That the Court shall have and exercise, in and about any Matter so brought before it upon Petition, the same Jurisdiction, Powers, Authorities, and Discretion, to all Intents and Purposes, as it could have exercised in a Suit for the same Purpose instituted by way of Bill or Information; and all Orders of the Court to be made in any such Matter may be made in the same Manner, whether upon Motion or otherwise, and shall have the same Authority and Effect, and may be enrolled in the same Manner, and shall be binding upon the same Persons, under whatsoever Disability they may be, and may be enforced by the same or any such Process, and shall be subject to Rehearing and Appeal, in the same Manner in all respects, except as herein provided, as if the same had been made in a Suit so instituted as aforesaid; and every Order which shall be in the Nature of a Decree shall have the same Effect as a Decree; and every Petition presented under this Act shall have the same Effect in making any Infant a Ward of Court as a Bill filed in the Matter would have had; and every such Petition shall have the same Effect as a Bill in Equity with respect to Proceedings for Redemption under the Acts relating to Ejectment for Nonpayment of Rent, and also in Suits to foreclose Mortgages, and to perpetuate the Testimony of Witnesses under the Acts relating thereto.

Proviso. Court may direct a Suit to be instituted.

III. Provided always, and be it enacted, That if it appear to the Court that the Relief prayed for by any such Petition as aforesaid, or any Part thereof, cannot be safely or conveniently granted, or that the Object or any of the Objects of such Petition, or any Part thereof respectively, cannot be safely or conveniently attained under the Procedure of this Act, it shall be lawful for the Court to direct a Suit to be instituted by way of Bill or Information, and by such Persons as the Court thinks fit, and either to retain or dismiss the Petition accordingly.

Persons objecting to Proceedings under the Act may apply for Order that a Suit be prosecuted in the ordinary Way at the Peril of Costs.

IV. Provided also, and be it enacted, That if any Person interested or claiming to be interested in the Matter of any Petition presented under this Act, or whose Rights may be injuriously affected by the Order to be made on such Petition, desire that the Relief sought thereby may be sought in a Suit to be prosecuted in the ordinary Way, it shall be lawful for such Person at any Time, whether such Petition have been referred to the Master, as hereinafter provided, or not, to apply to the Court, upon Motion in a summary Way, for an Order directing that the Matter of such Petition or any Part thereof be not further proceeded with under this Act, or that a Suit with respect thereto may be instituted or proceeded with in the ordinary Way, and thereupon the Court shall make such Order as shall be just; but the Costs of all

Parties

Parties to be occasioned by any such Application shall (except so far as the Court otherwise specially directs) be paid and borne by the Person by whom such Application is made; and it shall be lawful for the Court, if it think fit, by any such Order to require that such Security as it thinks fit be given by the Party making such Application, for answering the additional Costs, if any, to be occasioned by reason of such Suit or other Proceeding being instituted.

Verification of Petition.

V. And be it enacted, That every Petition to be presented under this Act may be verified by Affidavit annexed thereto or subscribed at the Foot thereof in the Form or to the Effect set out in the Schedule annexed to this Act; and that with respect to Petitions authorized to be referred to the Master in a summary Way, as herein-after provided, no Costs of any further or additional Affidavit in Verification shall be allowed, unless specially allowed by the Court.

Petitioners may annex Interrogatories to their Petition.

VI. And be it enacted, That upon presenting any such Petition as aforesaid the Petitioner may, if he think fit, annex to his Petition Interrogatories, to be answered by the Respondents to such Petition, or such of them as he requires to answer the same, or he may file such Interrogatories at any later Stage of the Proceedings on such Petition.

Respondents may file Interrogatories, to be answered by Petitioners.

VII. And be it enacted, That the Respondents to any such Petition, or any of them, may, if they think fit, annex to their Affidavits filed in answer to such Petition, or may otherwise file, Interrogatories, to be answered by the Petitioners or any of them, touching the Matters alleged in such Affidavit or Petition, and that whether such Respondents file a cross Petition or not, or they may file such Interrogatories at any later Stage of the Proceedings on such Petition.

Interrogatories not to be filed except by Leave of the Court.

VIII. Provided always, and be it enacted, That, except so far as may be otherwise provided by any General Orders to be made as herein-after mentioned, no such Interrogatories shall in either of the Cases aforesaid be filed without Leave of the Court first obtained upon Motion supported by Affidavit, and which may be made *ex parte* or otherwise as the Court shall direct.

Practice as to answering the Interrogatories to be same as on Bill and Subpœna.

IX. And be it enacted, That, until and except so far as it shall be otherwise provided by any Rule or Order to be made as herein-after mentioned, the Practice as to answering and enforcing an Answer to such Interrogatories shall be the same as upon a Bill or cross Bill filed, except that such Answer shall be taken in the same way that an Affidavit is taken, and the Person required to answer any such

Interrogatories

Interrogatories shall, on being served with a Copy thereof, be subject to the same Obligation as to answering the same, and the Court may exercise the same Powers for enforcing such Answer, and the Production of Documents therein referred to, as if a Bill or cross Bill had been filed against such Person, and he had been served with Subpœna to answer the same, and had appeared thereto, or an Appearance had been entered for him on the Part of the Plaintiff, pursuant to an Act of the Fourth and Fifth Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for the Amendment of the Proceedings and Practice of the High Court of Chancery in* Ireland: Provided always, that every such Person shall be entitled to the Benefit of the same or the like Objection to answering any such Interrogatories as he might have insisted on by way of Plea or Demurrer in a Suit instituted in the ordinary Way.

4 & 5 W. 4. c. 78.

Petitions to be heard before the Lord Chancellor as Causes are now heard, and Petitions and Affidavits to be filed in Rolls Office and entered in a Book. Table of Fees to be settled, and Fees to be paid over to the Suitors Fee Fund.

X. And be it enacted, That every Petition to be presented under the Authority of this Act shall be entitled "Cause Petition under 'The Court of Chancery (*Ireland*) Regulation Act, 1850,'" and shall be heard as Causes are now heard before the Lord Chancellor, unless in Cases where the Lord Chancellor specially directs the same to be heard before the Master of the Rolls, but no Subpœna to hear Judgment shall be required; and every such Petition, and all Affidavits and Interrogatories, and Answers to Interrogatories, in the Matter of any such Petition shall be filed in the Office of the Deputy Keeper of the Rolls in *Ireland* in like Manner as Bills and Answers are now filed there, and an Entry of such Petitions and Affidavits shall be made in a Book or Books to be kept for that Purpose, in like Manner as Bills and other Pleadings are now entered in the said Office, subject nevertheless to such Regulations and Orders as the Lord Chancellor, with the Assistance of the Master of the Rolls in *Ireland*, shall make in that Behalf; and the said Deputy Keeper of the Rolls and the Clerk of the Inrolments in the said Office respectively shall have Power to take Affidavits in the Matter of any such Petition; and it shall be lawful for the Lord Chancellor, with such Assistance as aforesaid, to settle a Table of Fees to be taken in the Office of the said Deputy Keeper of the Rolls in respect of such Petitions and Affidavits, and Answers, and to make all such Regulations as shall be necessary and proper for providing that the Balance of such Fees, after deducting such Payments as may lawfully be payable thereout, shall be from Time to Time duly accounted for and paid into the Bank of *Ireland* in the Name of the Accountant General, to be placed to the Credit of the Account there called "The Suitors Fee Fund Account."

XI. And

XI. And be it enacted, That it shall be lawful for any Person (the Direction of the Master in the Case of Persons under Disability as herein-after mentioned being first obtained,) to present a Petition to the Court of Chancery in *Ireland*, stating any Document, Facts, or Circumstances relating to any Matter falling within the Jurisdiction of the Court by way of Special Case, and praying for the Opinion of the Court upon such Special Case; and it shall be lawful for the Court to give Judgment upon such Petition accordingly, and such Judgment shall bind all such Persons as the Court shall direct, and in default of such Direction then shall bind all such Persons as presented the same, and shall have the same Effect as a Declaration made by Decree in a Suit to which such Persons were Parties would have had, and shall be subject to Rehearing and Appeal in the same Manner as herein provided in case of other Petitions under this Act; and where the Opinion of the Court is desired in any Matter in which any Infant, Idiot, Lunatic, or married Woman is interested, it shall be lawful for the Master of the Court in rotation to direct the presenting of such Petition by way of Special Case on behalf of the Infant, Idiot, Lunatic, or married Woman, and such Direction of the Master shall be conclusive to all Intents and Purposes.

Power to petition for Opinion of Court upon Special Case.

XII. And be it enacted, That it shall be lawful for the High Court of Chancery in *Ireland*, or for any of the Masters in Ordinary of the said Court, in any Suit or in any Matter pending or being heard before them respectively, and within their respective Jurisdictions, to direct the whole or any Part of the Evidence relating to such Matter to be taken either *vivâ voce* on Oath before the Court or Master, or upon Affidavit, instead of upon Interrogatories or in addition to an Examination upon Interrogatories, and it shall be lawful for the said Court to exercise all the same Powers for enforcing the Attendance of any Witness in whatever Part of *Ireland* such Witness may reside, to be examined before the said Court or Masters respectively in any such Matter as it might exercise for enforcing the Attendance of a Witness residing within Twenty Miles of *Dublin* to be examined on Interrogatories according to the ordinary Practice of the said Court.

The Court or Master may in all Suits direct Evidence to be taken vivâ voce or by Affidavit, as well as on Interrogatories.

XIII. And be it enacted, That in any Case in which any Partnership Account is required to be taken before One of the Masters of the High Court of Chancery in *Ireland* it shall be lawful for such Master, if he think fit, to direct that in taking such Account the Books of Account in which the Accounts so required to be taken have been kept, or such of them as he thinks fit, shall be taken as *primâ facie* Evidence of the Truth of the Matters therein contained, with Liberty

In taking Accounts the Master may direct Books of Account that have been kept to be primâ facie Evidence.

to the Parties interested to take such Objections thereto as they may be advised; and also in taking any Account other than any Partnership Accounts, where it appears to him that the Books of Account have been *bonâ fide* kept, and the Entries duly made therein from Time to Time as the Occasion for such Entries arose, or when from any Circumstances the Account cannot otherwise be taken, it shall be lawful for the Master, if he think fit, to direct that the Books of Account in which the Accounts so required to be taken have been kept, or such of them as he thinks fit, shall be taken as *primâ facie* Evidence of the Truth of the Matters therein contained, with liberty to the Parties interested to take such Objections thereto as they may be advised; and in any of the Cases aforesaid it shall be lawful for the Master to employ an Accountant to make out the Accounts in such Mode as the Master shall require, and the Master shall be at liberty to adopt such Accounts, subject to any Objections to be made by any of the Parties, and such Accountant shall be paid such Sum, as the Master shall consider reasonable and proper, by the Party having the Carriage of the Proceedings, who shall be entitled to charge the Sum so paid by him as Part of his Costs in the Cause or Matter.

In taking Accounts for Administration of Estate, Executors, &c. may prove Debts.

XIV. And be it enacted, That in all Cases in taking the Accounts necessary for the Administration of the Estate of any deceased Person by the High Court of Chancery in *Ireland*, Debts may be proved before the Master by the Executor or Administrator of the Testator's Estate, and in case any Creditor, after Notice shall have been given to him of such Proof having been made, shall attempt to establish any larger Amount, the same shall be at Peril of any Costs which may be awarded against him by the Master.

Certain Classes of Petitions may be referred summarily to Master.

XV. And be it enacted, That when any such Petition as hereinbefore mentioned is presented to the Court with respect to any of the following Branches of the Jurisdiction of the High Court of Chancery in *Ireland*, that is to say,

With respect to the Administration of the Real and Personal Estate or the Personal Estate of a deceased Person,

With respect to the Foreclosure and Redemption of Mortgages,

With respect to the Appointment of new Trustees under any Deed, Will, or other Instrument,

With respect to the Appointment of Guardians and the Allowance of Maintenance to Infants,

With respect to the taking of Partnership Accounts, and

With respect to such other Branches of the said Jurisdiction as the Lord Chancellor of *Ireland*, with the Assistance of the Master of

of the Rolls in *Ireland*, by any General Order to be made as herein-after provided, shall from Time to Time direct,

the Court may, on the Application of the Petitioners, and on the Production of such Affidavit of Verification as aforesaid, by Order made in a summary Way, and without Notice to any other Parties, unless the Court see fit to direct any such Notice to be given, refer the said Petition to the Master in Ordinary of the said Court in rotation, either with or without any special Directions with reference thereto as to the Court may seem fit.

Master to proceed on the Petition referred to him, and to have with respect thereto the same Jurisdiction as might have been exercised by the Court in a Suit.

XVI. And be it enacted, That upon any such Petition being so referred it shall be lawful for the Master to whom the same is referred to consider the Matter thereof, and to direct Service of Notice thereof as herein-after directed, and thereupon to make all such Inquiries and such Orders for Payment of Money into Court or for the Sale of Real or Personal Estates, or otherwise, not being Orders for the Distribution or Payment of any Share of Money, and generally to make such Orders and give such Directions in relation to the Relief sought by such Petition as the Case may require; and for the Purpose aforesaid the Master shall have, within the Limits and subject to the Restrictions and Regulations herein provided, the same Jurisdiction, Authority, and Discretion, and the same Power to make Orders, and otherwise to act in and about the Matter, as the Court, or any Master of the Court, could have exercised or done in or as incidental to a Suit duly instituted and conducted according to the ordinary Practice of the Court, and it shall also be lawful for the Master to examine all or any of the Parties to the Suit *vivâ voce*, if he think fit.

State of Facts may be dispensed with, and Master to regulate Proceedings.

XVII. And be it enacted, That, subject to any Rule or Order to be made as herein-after mentioned, the Master may, in proceeding under this Act, proceed on a Copy of the Petition, without any State of Facts, Charge, or Proposal in Writing, unless, for supplying any Deficiency in the Statement or Prayer of the Petition, the Master direct that any such Charge, Statement, or Proposal be made by any Party; and any Person interested in the Matter may apply to the Master for Leave to attend him on any Proceedings under the same, and the Master may give such Directions with respect thereto as he thinks fit, and the Master may, if he sees fit, dispense with any Summons in the course of the Proceedings, and also from Time to Time direct any Summons to be taken out by any Parties attending the Proceedings, and fix the Times at which any Summons shall be returnable before him, or at which any Proceedings necessary to be taken shall be taken, and may proceed *de die in diem*, or may adjourn the Proceedings from Time to Time,

Time, as he sees fit, and generally may, without Reference to any Rule or Course of Practice of the Court, save as herein provided, regulate the Course of such Proceedings in such Manner as appears to him expedient for rendering the same inexpensive and speedy, so far as Justice will admit.

Master's Orders to take effect as Orders of Court.

XVIII. And be it enacted, That no Order of the Master under this Act shall require Confirmation by the Court, except where an Order, subject to the Opinion of the Court, or a special Report, is made by him, as herein provided, except where the Court has in the Order referring the Petition to the Master given any special Directions in that Behalf, but every such Order shall have the same Authority and Effect, and may be enrolled in the same Manner, and shall be binding upon the same Persons, and may be enforced by the same or any such Process, and shall be subject to Rehearing and Appeal, in the same Manner in all respects, except as herein provided, as if the same had been made by the Court in a Suit duly instituted, or otherwise as may be directed by any General Order to be made in that Behalf, as herein-after mentioned.

Master may make special Reports or Orders, subject to Confirmation.

XIX. And be it enacted, That the Master shall have Power, if he think fit, to make a special Report concerning the Matter of any Petition referred to him as aforesaid, or upon any Question or Matter arising in the Proceedings thereupon, or to make any Order, subject to the Opinion of the Court, to the Intent that the Opinion of the Court may be taken on the Matter of such Petition, or on such Question, Matter, or Order, as the Case may be; and such special Report or Order shall be brought before the Court, by Motion praying that such special Report or Order may be confirmed, discharged, or varied by Order of the Court, or that any Directions may be given thereupon; and on the Hearing of such Motion such Report or Order respectively of the Master shall be confirmed, discharged, or varied, or such Directions shall be given, as to the Court seems just.

Service to be made as the Court or Master shall direct.

XX. And be it enacted, That Service of Notice of any Petition under this Act, whether before the Court or the Master, shall, until and except so far as it shall be otherwise provided by any General Order to be made as herein-after provided, be subject to the same Regulations as apply to the Service of a Subpœna or Letter Missive in any Suit, and the Court shall have all the same Powers with respect to ordering the Service of Notice of any such Petition out of the Jurisdiction of the Court, or otherwise, as under any Act of Parliament or by the Constitution of the Court it has or may lawfully exercise with respect to the Service of any Subpœna or Letter Missive

Missive in a Suit instituted by way of Bill or Information, but after such Service shall have been made all other Services with respect to any Matter for the Time being pending before the Court or Master under such Petition, or consequent thereon, shall be made upon such Persons and in such Manner, whether by Post or otherwise, as the Court or Master respectively shall direct, and with respect to Persons who have absconded or cannot be found, shall be sufficiently made by such Advertisements or Publications as the Court or Master shall direct; and every such Service, Advertisement, or Publication so directed by the Master shall be valid and conclusive, to the same Extent and in the same Manner, and upon and against the same Parties or Persons, as the Service according to the Practice of the Court of any Subpœna, Letter Missive, or Petition in Equity would have been.

Power to Master to appoint Guardians to Infants for the Purpose of Proceedings under the Act.

XXI. And be it enacted, That when any Person interested in any Matter for the Time being pending under this Act is an Infant, it shall be lawful for the Master, by any Order under his Hand, to appoint such Person as he thinks proper to be the Guardian of such Infant for the Purposes of all or any Proceedings under this Act; and every Guardian so to be appointed shall have Power to institute, prosecute, defend, or consent to any Proceeding under this Act on behalf of his Ward, and shall represent his Ward in or about every such Proceeding, in the same Manner and with the same Effect, to all Intents and Purposes, as any Guardian appointed by the Court might have done with respect to any Suit or other Proceeding on behalf of his Ward, instituted according to the Practice of the Court: Provided always, that in all Cases in which there is any Father or testamentary Guardian of such Infant, Notice of the intended Application to the Master to appoint a Guardian as aforesaid shall be served on such Father or testamentary Guardian.

After Reference to Master of Petition with respect to Administration, or after Decree, no Creditor to sue without Master's Leave.

XXII. And be it enacted, That after the Court has made any Order under this Act referring to the Master any Petition with respect to the Administration of the Real and Personal Estate or of the Personal Estate of any deceased Person, or after a Decree or Order has been made by the Court in any Suit referring to the Master the Matter of any such Administration, it shall not be lawful for any Creditor or other Person, so long as any such Order as aforesaid remains in force, to commence or proceed with any Action against the Executor or Administrator of such deceased Person, or against his Heir or Devisee in the Case of Real Estate so to be administered, for any Debt or Demand claimed against the Estate of such deceased Person, without the Leave of the Master in Writing first obtained in that Behalf; and it shall be lawful for any Judge of the Court

 in

in which any such Action is pending to order that all further Proceedings in such Action be stayed until after such Leave as aforesaid of the Master has been obtained, and to make such Order as to the Costs of any such Action as to such Judge appears just.

Where Suit instituted, previous Proceedings before Master to be valid.

XXIII. And be it enacted, That when any Proceedings upon Petition under this Act shall be stayed, and a Suit ordered to be instituted in lieu thereof, under the Provisions herein-before contained for that Purpose, all Proceedings, Accounts, and other Things taken and done in the Prosecution of the Matter of such Petition before the Master, prior to the Order of the Court for the Institution of a Suit or other Proceedings before the Court as aforesaid, shall (except so far as the Court otherwise directs in any Case) be as valid and conclusive, for the Purposes of any such Suit or other Proceedings, as if the same had been taken or done in such Suit or other Proceedings before the Court.

In case of Illness, &c. of a Master another Master may act.

XXIV. And be it enacted, That in case of the Illness or Absence of the Master before whom any Matter is pending under this Act, or of any Vacancy occurring by the Death or Resignation of such Master, it shall be lawful for any other Master, without any special Direction or Appointment of the Court, to act for the Time being in such Matter in the Place of the Master so being ill or absent, or having vacated, and to exercise all the Powers and Authorities which such last-mentioned Master might have exercised in the Matter.

Payment, Taxation, and Recovery of Costs in Proceedings before the Master.

XXV. And be it enacted, That, subject to the Right of Appeal herein-after provided, the Costs of all Proceedings under this Act which take place before the Master shall be in the Discretion of the Master, and the Costs of all Proceedings before the Court shall be in the Discretion of the Court; and all Costs ordered by the Master shall be ascertained by the Master, or shall be taxed by One of the Taxing Masters of the Court, and shall be recovered in the same Manner, and by the same or any such Process, as Costs ordered to be paid by any Party under any Order or Decree made in a Suit.

Masters within Six Months to make Rules for Procedure under the Act.

XXVI. And be it enacted, That the Masters shall as nearly as possible observe a uniform Course of Practice in their respective Offices in all Proceedings under this Act; and the said Masters shall, within Six Months from the passing of this Act, make such Rules under their Hands as seem to them necessary and expedient concerning the Form and Mode of Proceeding to be had before the Masters under this Act, and for providing that a proper Record be kept of the Proceedings of the Masters, and the Orders made by them with respect to Petitions referred to them under this Act, and concerning the

the collecting of the Debts due to and the realizing of all or any Part of any Estate for the Time being in course of Administration before the Master, and concerning the Costs and Fees or other Remuneration to be paid in respect of any Proceedings before the Master, and the Service of any such Proceedings by Post, Advertisement, or otherwise; and the said Masters shall have Power from Time to Time to vary or annul such Rules, and to make others in lieu thereof or in addition thereto; and all such Rules shall be entered in a Book to be kept for that Purpose by the Senior Master for the Time being, and shall be transmitted to the Lord Chancellor, for his Inspection, within One Week from the making thereof, and, unless disallowed by the Lord Chancellor within One Month from the Time of the same having been so laid before him, shall be of the same Effect and Validity as any General Rules or Orders of the Court.

Petition may be presented to the Court for partial Relief, &c.

XXVII. And be it enacted, That where any Person who would have been entitled to present any Petition under this Act is desirous of obtaining a partial Administration of any Estate or Trust (whether by way of Inquiries for Creditors or next of Kin, or Persons beneficially interested in or under the same, or otherwise howsoever), or is desirous of obtaining any Portion of the Relief usually granted or which might be afforded, or the Exercise of any One or more of the Powers or of any Part of the Jurisdiction usually exercised by the Court in a Suit, or which might be exercised by the Master under this Act, it shall be lawful for such Person to present a Petition to the Court for such partial Administration or partial Relief, or partial Exercise of the Powers and Jurisdiction of the Court or Master, accordingly; and it shall be lawful for the Court, if it so think fit to grant the limited Relief sought by such Petition, and to give all proper Directions accordingly, or to make such other Order with respect thereto as shall be just; and all the Provisions herein contained with respect to any Petition presented under this Act, and to the Proceedings under the same or consequent thereon, and to the Powers and Jurisdiction of the Court and of the Master in or about the same, and to the making of Rules and Orders concerning the same, shall apply in all respects to any such Petition as last aforesaid, and to the Proceedings under the same or consequent thereon, and to the Powers and Jurisdiction of the Court or of the Master in or about the same, and to the making of Rules and Orders concerning the same.

Two or more Proceedings may be consolidated.

XXVIII. And be it enacted, That it shall be lawful for the Court to direct the Consolidation or to make any other Order for the carrying on together of any Two or more Proceedings relating to or connected

nected with the same Trust or Estate, whenever such Order appears expedient.

Mode of continuing Proceedings on Transmission of Interest of Parties.

XXIX. And be it enacted, That if any Transmission take place, by Death, Marriage, or otherwise, of the Interest of any Party to any Proceeding, whether by Bill or Information in the ordinary Course or under this Act, it shall be lawful for any Party interested to bring before the Court the Person to whom such Interest has been so transmitted, either by a supplemental Bill, Information, or Petition, or by a Suggestion at the Foot of the original Bill, Information, or Petition, and Notice to such Person; and Service of such Notice being made, the Person so served shall, from the Time of such Service, become a Party to such Proceeding, and be bound in all respects in the same Manner as if an Order for Revivor or a supplemental Decree had been made, as the Case may require, without the Necessity for any Order of Revivor or supplemental Decree being made by the Court: Provided always, that if the Person served be under Disability the Matter shall be specially brought before the Court by Affidavit, and the Court shall thereupon make such Order as may be just.

Appeal from the Master's Orders and Orders on Petition to be upon Motion; Rehearings and Appeals to the House of Lords, to be within a limited Time.

XXX. And be it enacted, That an Appeal shall lie to the Court upon Motion, from or against all Orders, Directions, and other Proceedings of or before the Master under this Act; and any Order to be made by the Master of the Rolls under this Act may be reheard on Motion before the Lord Chancellor, and any Order which, according to the Practice of the Court, might be reheard upon Petition by the Judge who made such Order, may be so reheard upon Motion; and an Appeal shall also lie to the House of Lords from all Orders to be made by the Court under this Act, yet so that no such Appeal shall be brought or Rehearing moved unless with the special Leave of the Court (which Leave the Court shall only grant upon being satisfied that substantial Grounds probably exist for such Appeal or Rehearing, and for the Delay in bringing or moving the same), after the Expiration of the following Periods from the Time when the Order, Direction, or other Proceeding complained of was made or took place, or from the Service of Notice of the same, if the Party complaining was not present; that is to say, for an Appeal from the Orders or Directions of the Master or Proceedings before him, not being such Reports as hereafter provided for, the Period of Fourteen Days, or such further Time as the Master shall by Order made in the Matter allow; for a Rehearing before the Lord Chancellor or Master of the Rolls, the Period of One Month (both such Periods to be exclusive of any Vacations of the Court); and for an Appeal to the House of Lords, the

the Period of One Year, but no Order shall be inrolled pending the Time hereby limited for appealing therefrom without the special Leave of the Court: Provided always, that this Enactment shall not be taken to extend the Time within which Reports of the Masters of the Court are by any General Order of the Court directed to stand confirmed.

Lord Chancellor to make Orders for carrying the Act into effect, and extending its Scope.

XXXI. And be it enacted, That the Lord Chancellor, with the Assistance of the Master of the Rolls, in *Ireland*, may and they are hereby required from Time to Time to make such General Orders as shall seem necessary or expedient for carrying the Purposes of this Act into effect, and for regulating the Practice under the same, and for extending the same, if need be, to other Matters than those to which it is herein made specially applicable, and particularly for regulating the Appointment of Receivers, and the Powers and Duties of such Receivers, and the Allowances to be made to them, for the Purpose of insuring the better and more efficient Management of the Estates under the Control of the Court of Chancery in *Ireland*, and for determining, if need be, the Matters to which the Provisions of this Act shall not apply, and may alter or annul such Orders from Time to Time, and make others in lieu thereof.

Rules and Orders to be laid before the Houses of Parliament, and to be binding, unless objected to by Vote of either House.

XXXII. And be it enacted, That all General Rules to be made by the Masters, and not disallowed by the Lord Chancellor, as hereinbefore provided, shall, immediately after the same, take effect as aforesaid; and all General Orders made by the Lord Chancellor, with such Assistance as aforesaid, shall, immediately after the making and issuing thereof, be laid before both Houses of Parliament, if Parliament be then sitting, or if Parliament be not then sitting, then within Five Days after the next Meeting thereof: Provided always, that if either of the Houses of Parliament, by any Resolution passed at any Time before such House of Parliament have actually sat Thirty-six Days after such Rules or Orders have been laid before such Houses of Parliament, resolve that the whole or any Part of such Rules or Orders ought not to continue in force, in such Case the whole or such Part thereof as shall be so included in such Resolution shall, from and after such Resolution, cease to be binding.

The Master of the Rolls empowered to appoint a Secretary with a Salary.

XXXIII. And be it enacted, That it shall be lawful for the Master of the Rolls in *Ireland* from Time to Time to appoint a fit Person to act as Secretary to the Master of the Rolls in *Ireland*; and the Person so appointed shall hold his Office during the Pleasure of the said Master of the Rolls, and shall be entitled to receive by way of Salary the clear annual Sum of Three hundred Pounds, payable in manner herein-after mentioned.

The Lord Chancellor's Secretary and the Masters Clerks and Examiners to be paid by a Salary in lieu of Fees.

XXXIV. And whereas it is expedient that the Secretary of the Lord Chancellor, and the Person for the Time being filling the Office of the Clerk and Examiner of each of the Masters of the said Court, should be remunerated by an annual Salary instead of by Fees, and that the Fees payable to such Secretary and to each of such Clerks and Examiners should be accounted for and applied in manner herein-after mentioned: Be it therefore enacted, That from and after the passing of this Act the Secretary of the Lord Chancellor shall be entitled to receive by way of Salary the clear annual Sum of Eight hundred Pounds, payable in manner hereafter mentioned, in lieu of the Fees heretofore received and enjoyed by him; and there shall also be allowed and paid for the Expenses of the Office of the said Secretary such Sum as the Lord Chancellor may allow for a Clerk, and for other incidental and necessary Expenses of his Office (to be defined in the Order making such Allowance), not exceeding in the whole for any One Year, including the Allowance for such Clerk, the Sum of Two hundred Pounds.

The Clerks and Examiners of Masters and Assistant Clerks to hold Office during good Behaviour, and to be paid by Salary in lieu of Fees.

XXXV. And be it enacted, That from and after the passing of this Act the Clerk and Examiner of each of the Masters of the said Court, and the Assistant Clerk of such Clerk and Examiner, shall hold their Offices respectively during good Behaviour, and so long as they shall personally give their Attendance upon their respective Duties, and shall conduct themselves diligently and faithfully in the due Execution of the Duties of their said Offices respectively, and shall not be removed except by the Order of the Lord Chancellor, who is hereby empowered, by Order made by him, to remove any such Clerk and Examiner or Assistant Clerk for some sufficient Cause to be stated in such Order, but without Prejudice to the Right of the Master to appoint a Clerk and Examiner or Assistant Clerk in the Room of any Clerk and Examiner or Assistant Clerk so removed; and every such Clerk and Examiner shall be entitled to receive by way of Salary the clear annual Sum of Six hundred Pounds, payable in manner herein-after mentioned, in lieu of the Fees heretofore received and enjoyed by him; and there shall also be allowed and paid for the Expenses of the Office of such Clerk and Examiner such Sum as the Lord Chancellor shall allow for that Purpose (the Particulars of such Expenses being defined in the Order making such Allowance), not exceeding in the whole for any One Year the Sum of One hundred Pounds; and every such Assistant Clerk shall be entitled to receive by way of Salary the clear annual Sum of Two hundred Pounds, payable in manner herein-after mentioned; and such Salary shall be in lieu of the Salary or Allowance of Seventy Pounds, late *Irish* Currency, payable to such Assistant Clerk under an Act passed in the Sixth Year of the Reign of

Salary of Assistant Clerk to be in lieu of Salary

of His Majesty King *George* the Fourth, intituled *An Act to amend an Act of the Fourth Year of His present Majesty's Reign, for the better Administration of Justice in the Court of Chancery in* Ireland, and all other Fees or Emoluments heretofore received or enjoyed by him in his Office, and such last-mentioned Salary or Allowance shall cease to be payable.

payable under 6 G. 4. c. 30.

XXXVI. And be it enacted, That the said Salaries and Allowances shall be payable in quarterly Payments on the First Day of *January*, the First Day of *April*, the First Day of *July*, and the First Day of *October*, and shall be charged upon and payable out of the Fund standing to the Account of the Accountant General of the Court of Chancery, called "The Suitors Fee Fund Account," but subject and without Prejudice to the Payment of all Salaries and all Sums of Money by any Act now in force directed or authorized to be paid thereout, and all proper Orders shall be made for that Purpose; and the first Payment shall be made on the first of the said quarterly Days happening after the passing of this Act, and the Amount thereof shall be such a proportionate Part of the said Salaries and Allowances respectively as shall have accrued from the Day of the passing of this Act to such quarterly Day; and in the event of the Death, Resignation, or Removal from Office of either of such Secretaries, or any of such Clerks and Examiners or Assistant Clerks, in the Interval between any of the said quarterly Days of Payment, the Secretary or Clerk and Examiner or Assistant Clerk so resigning or being removed, or the Executors or Administrators of the Secretary or Clerk and Examiner or Assistant Clerk so dying, shall be entitled to receive and shall be paid such proportional Part of his said Salary as shall have accrued from the next preceding quarterly Day of Payment to the Day of such Death, Resignation, or Removal, and his Successor shall be entitled to such proportional Part of the said Salary as shall have accrued from the Day of such Death, Resignation, or Removal to the then next quarterly Day of Payment.

The Salaries to be paid quarterly.

XXXVII. And be it enacted, That the Secretary of the Lord Chancellor, and the said Clerks and Examiners and Assistant Clerks, shall continue to discharge the Duties belonging to their several Offices; and the said Secretary of the Lord Chancellor, and the Clerks and Examiners, shall receive the Fees and Sums of Money for the Time being lawfully payable to them or in their Offices respectively, and shall keep true and accurate Accounts thereof, and shall pay into the Bank of *Ireland*, to the Credit of the said Accountant General, once in every Month, all Fees or Sums of Money so to be received by them respectively, after deducting thereout all Sums lawfully paid for copying Documents, at a Rate not exceeding Three Halfpennies *per* Office Sheet, the Amount so received and paid by them to be

The Lord Chancellor's Secretary and the Clerks and Examiners to pay over to the Suitors Fee Fund, monthly, all Fees received by them.

be verified by Affidavit, to be sworn before One of the Masters of the Court; and the several Sums so paid in shall be from Time to Time paid to the said Account called "The Suitors Fee Fund Account."

Providing retiring Allowances to Officers of the Court of Chancery.

XXXVIII. And whereas it is just that a retiring Allowance should be provided for the Officers of the Court of Chancery in *Ireland:* Be it enacted, That if any such Officer who shall have executed the Duties of his Office under the said Court for the Term of Twenty Years shall, by Petition to the Lord Chancellor, express his Desire to be allowed to retire, it shall and may be lawful for the Lord Chancellor, by and with the Consent of the Commissioners of Her Majesty's Treasury, to direct the Payment to such Officer during his Life of an Annuity as retiring Allowance not exceeding Two Third Parts of the annual Salary and Emoluments of such Officer: Provided always, that if any such Officer shall after his Appointment to his Office, and before he shall have completed the Term of Twenty Years, become afflicted with any permanent Infirmity of Mind or Body disabling him from the due Execution of the Duties of his Office, it shall and may be lawful for the Lord Chancellor, by and with the Consent of the Commissioners of Her Majesty's Treasury, to direct the Payment of such Annuity as the said Lord Chancellor and the said Commissioners shall think just and reasonable to such Officer, on his resigning his Office, or on an Order being made for his Removal on account of such Disability (which Order the said Lord Chancellor is hereby authorized and empowered to make), such Annuity in any Case not to exceed Two Third Parts of the Salary and Emoluments of the Office; and every Annuity so ordered and directed shall be charged and chargeable and be paid and payable in the same Way as is herein-before provided in respect of Salaries: Provided also, that if any Officer of the said Court already appointed or who may be hereafter appointed shall, prior to such Appointment, have permanently discharged the Duties of an Assistant Officer or Clerk in the said Court, it shall be lawful in calculating the Term of Twenty Years herein-before mentioned to allow One Year for every Two Years during which such Officer shall have previously discharged the Duties of such Assistant Officer or Clerk: Provided also, that nothing herein contained shall prejudice the Right of the Masters in Ordinary of the said Court to the Benefit of the Superannuation provided for by the Act of the Fourth Year of the Reign of King *George* the Fourth, Chapter Sixty-one.

Allowances to Clerk and Examiner on Retirement from their Offices.

XXXIX. And be it enacted, That the Assistant Clerk in each of the Master's Offices, and also every other Clerk of the Court holding his Office during good Behaviour, not being an Officer of the said Court, who shall hereafter resign his Office with the Sanction and under the Authority of the Lord Chancellor, or shall be removed

therefrom by the Lord Chancellor in consequence of his being permanently incapable from Infirmity of Mind or Body to discharge the Duties thereof, shall be entitled to receive such Superannuation Allowance as the Commissioners of Her Majesty's Treasury shall think proper to direct; and in ascertaining and awarding the Amount of such Superannuation Allowance the said Commissioners shall take into consideration the whole Period during which any such Person shall have been permanently employed in the said Court, and shall proceed according to the Principle laid down by an Act passed in the Fifth Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to alter, amend, and consolidate the Laws for regulating the Pensions, Compensations, and Allowances to be made to Persons in respect of their having held Civil Offices in His Majesty's Service;* and all such Sums and Allowances which shall be so awarded and granted under the Authority aforesaid shall be paid and payable and be charged and chargeable in the same Way as is herein-before provided in respect of the Salaries of the Clerks and Examiners and other Clerks.

4 & 5 W. 4. c. 24.

Abatement to be made from the Salaries of Clerks and Officers of the Court entitled to Superannuation Allowances.

XL. And be it enacted, That from and after the passing of this Act there shall be an annual Abatement made, in quarterly Proportions, in such Manner as the Lord Chancellor shall direct, from the Salaries or Official Incomes of the Persons who may be hereafter appointed Clerks and Examiners, Assistant Clerks or other Clerks of the Court for whom a Superannuation Allowance is herein-before provided; and the Amount so deducted shall be paid into the Bank of *Ireland* to the Credit of the said Account called "The Suitors Fee Fund Account;" and the Amount of such Abatement shall be according to the respective Rates following; that is to say,

From Salaries or Official Incomes not exceeding the annual Sum of One hundred Pounds, an Abatement at the Rate of Two Pounds Ten Shillings *per Centum;*

And from Salaries or Official Incomes exceeding One hundred Pounds, Five Pounds *per Centum.*

Compensation for Diminution of Emoluments to be made to Officers out of the Suitors Fund.

XLI. And whereas the Emoluments of some of the Officers of the Court may be diminished by the Operation of this Act, or by the Rules and Orders to be made thereunder, for which they may claim to have Compensation made: Be it therefore enacted, That it shall be lawful for the Commissioners of Her Majesty's Treasury for the Time being, or any Three or more of them, and they are hereby required, within the Space of Six Calendar Months after any such Claim shall arise and be made, by Examination on Oath or otherwise (which Oath they and each of them are and is hereby authorized to administer), to inquire whether any, and if any what, Compensation ought to be made to any Officer or Person claiming such Compensation,

tion, the said Commissioners having regard to the Conditions on which the Appointment of any such Officer was made, or to any Notice which at the Time of such Appointment may have been given to such Officer that such Office was to be holden subject to any Provision by Parliament for the Abolition or Regulation thereof, but with full Power for the said Commissioners to investigate and determine whether, from the Nature of the said Offices or the Mode of Accession thereto, any such Conditions or Notice could have been properly made or given, and also having regard to the holding of any Office, Place, or Situation by such Officer under this Act; and that in all Cases in which it shall appear to the said Commissioners that Compensation ought to be granted, it shall be lawful for the Commissioners, or any Three or more of them, by Warrant under their Hands, to order and direct that such annual or other Compensation shall be made to the Persons so claiming such Compensation as aforesaid, or any of them, as to the said Commissioners in their Discretion shall seem just and reasonable; and all such Compensation, whether annual or in gross, shall be charged upon and payable out of the said Fund standing to the Account called "The Suitors Fee Fund Account," but subject and without Prejudice to the Payment of all Salaries and all Sums of Money by any Act or Acts now in force directed or authorized to be paid thereout, and all proper Orders shall be made for that Purpose: Provided always, that an Account of all such Compensations shall, within Fourteen Days next after the same shall be so granted, be laid upon the Table of the House of Commons, if Parliament be then assembled, or if Parliament be not then assembled, then within Fourteen Days after the Meeting of the Parliament then next assembled.

Petition to be a Lis pendens within the Meaning of 7 & 8 Vict. c. 90.

XLII. And be it enacted, That any Petition to the Court under this Act shall constitute a Lis pendens within the Meaning of an Act passed in the Eighth Year of Her Majesty, intituled *An Act for the Protection of Purchasers against Judgments, Crown Debts, Lis pendens, and Commissions of Bankruptcy, and for providing One Office for the registering of all Judgments in* Ireland, *and for amending the Laws in* Ireland *respecting Bankrupts and the Limitation of Actions;* and it shall be a sufficient Compliance with so much of the same Act as requires the Title of the Cause or Information and the Day when the Bill or Information was filed to be left with such registering Officer as therein mentioned if the Names of the Petitioners, or some one or more of them, and of the Respondents, or some one or more of them, and the Day when the Petition was presented, be left with such Officer as aforesaid.

Short Title of Act.

XLIII. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal or other Instruments and Proceedings, it

shall be sufficient to use the Expression "The Court of Chancery (*Ireland*) Regulation Act, 1850."

XLIV. And be it enacted, That in the Construction of this Act the Expression "the Lord Chancellor" shall mean the Lord Chancellor of *Ireland*, and shall include the Lord Keeper and Lords Commissioners for the Custody of the Great Seal in *Ireland;* and the Expression "the Court" shall mean the High Court of Chancery in *Ireland;* and the Expression "the Master" shall mean the Master in Ordinary of the High Court of Chancery in *Ireland* to whom any Petition is referred, or before whom any Matter is pending under this Act, for the Time being respectively; and the Word "Person" shall include "Corporation," and shall include Her Majesty's Attorney or Solicitor General in Cases of Charities or of Informations at the Suit of Her Majesty; and Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number, and Words importing Males shall include Females; unless there be something in the Subject or Context repugnant to such Construction. Interpretation of Act.

SCHEDULE to which the foregoing Act refers (Sect. 5.)

In the Matter of the Petition of

I *A.B.*, the Petitioner in the above-written [*or* annexed, *as the Case may be*] Petition, make Oath and say, That so much of the above-written [*or* annexed, *as the Case may be*] Petition as relates to my own Acts and Deeds is true, and so much thereof as relates to the Acts and Deeds of any other Person I believe to be true.

Sworn, *&c.*

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1850.

ANNO DECIMO TERTIO & DECIMO QUARTO

VICTORIÆ REGINÆ.

***

Ashby de la Zouch.

the said Public Health Act shall take place on the Second Day of *September* in the Year of our Lord One thousand eight hundred and fifty.

First Election of Local Board for Sandgate.

III. And be it enacted, That the First Election of the Local Board of Health for the District of *Sandgate* for the Purposes of the said Public Health Act shall take place on the Second Day of *September* in the Year of our Lord One thousand eight hundred and fifty.

General Board to furnish Copies of Provisional Orders to Parties requiring the same.

IV. And be it enacted, That whenever under the Provisions of the Public Health Act, 1848, any Bill has been or shall be brought into Parliament for the confirming of any Provisional Order of the General Board of Health, a Copy or Copies of every Order included in the Schedule of such Bill shall be furnished by the said General Board to all Parties applying for the same between the Hours of Eleven and Five at the Office of the said General Board, or by Letter addressed to the said Board, on Payment by such Parties of the Cost of making or furnishing such Copy or Copies.

General Board may appoint Days for First Elections of Local Boards, &c.

V. And be it enacted, That the General Board of Health may, whenever it shall see fit, by Order under their Hands and official Seal, direct and appoint any Day or Days for the First Election or Selection of any Local Board of Health other than the Day or Days fixed for such First Election by any Order in Council or by this or any other Act for confirming any Provisional Order or Orders by the said General Board; and that the said General Board shall cause Notice of the Day so directed and appointed by them for such First Election or Selection to be affixed on the Doors of the principal Churches, Chapels, public Buildings, and Places where public Notices are usually affixed within the District for which such Election or Selection is to be made, at least Twenty-one Days before the Day so fixed and appointed for such Election or Selection, as the Case may be.

Act incorporated with Public Health Act.

VI. And be it enacted, That this Act shall be deemed to be incorporated with the Public Health Act, and shall be as if this Act and the Public Health Act were One Act.

Short Title of this Act.

VII. And be it enacted, That in citing this Act in any other Act of Parliament, or in any Proceeding, Instrument, or Document whatsoever, it shall be sufficient to use the Words and Figures "The Public Health Supplemental Act, 1850 (No. 2.)."

Act may be amended, &c.

VIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

SCHE-

SCHEDULE to which this Bill refers.

PROVISIONAL ORDERS of the GENERAL BOARD of HEALTH, submitted for the Confirmation of Parliament.

Wigan.	Ashby de la Zouch.
Preston.	Sandgate.
Wolverhampton.	Swansea.

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1850.

ANNO DECIMO TERTIO & DECIMO QUARTO

VICTORIÆ REGINÆ.

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Correction, to commit for safe Custody to such Gaol or House of Correction, for Trial at the Assizes to be holden for the County in which such City or Borough may be situated, any Person charged before him with any Offence, except Murder, committed within the Limits of such City or Borough triable at such Assizes, and the Commitment shall specify that such Person is committed under the Authority of this Act, and whenever any such Person shall be committed to any such Gaol or House of Correction for Trial at such Assizes the Keeper of such Gaol or House of Correction shall deliver to the Judges of Assize a Calendar of all Prisoners in his Custody for Trial at such Assizes, in the same Way that the Sheriff of the County would be by Law required to do if such Prisoners had been committed to the Common Gaol of the County in which such City or Borough may be situated; and the Justice or Justices by whom any Person charged as aforesaid shall be committed shall deliver or cause to be delivered to the proper Officer of the Court the several Recognizances, Informations, Depositions, and Statements relative to such Person at the Time and in the Manner that would be required in case such Person had been committed to such County Gaol.

Nothing to authorize Justices to commit Persons charged with Murder to any other than the County Gaol.

II. Provided always, and be it enacted, That nothing herein contained shall be construed to give any Justice of the Peace acting for any City or Borough Power to commit Persons charged with Murder to the Gaol or House of Correction of any City or Borough for Trial at the Assizes to be holden for the County in which such City or Borough may be situated, but such Justices shall and they are hereby authorized and required to commit all such Persons to the Common Gaol of such County for Trial in such and the same Manner as if this Act had not passed: Provided also, that the Expenses properly incurred by such County in the Maintenance, safe Custody, and Care of such last-mentioned Prisoners so committed whilst in Custody in such County Gaol shall be borne and paid by such City or Borough in the Manner herein-after provided with respect to Prisoners removed to the County Gaol for Trial at the Assizes.

As to Expenses incurred in Maintenance of last-mentioned Prisoners.

Prisoners committed to Borough Gaols to be removed to County Gaol previous to Trial

III. And be it enacted, That all Persons who may under the Authority of this Act be committed to the Gaol or House of Correction of any City or Borough for Trial at the Assizes to be holden for the County in which such City or Borough may be situated shall in due Time be removed by the Gaoler or Keeper of such Gaol or House of Correction, with their Commitments and Detainers, to the Common Gaol of the County, in order that they may be tried at the Assizes to be holden for such County, and such Removal shall not be deemed or taken to be an Escape.

Prisoners whilst under Removal to be deemed to be in proper legal Custody

IV. And be it enacted, That every Prisoner so removed shall for and during the Time of such Removal, and also for and during such Time as he shall be detained in the County Gaol, be to all Intents and Purposes deemed and considered to be in the proper legal Custody,

notwith-

notwithstanding he may in effecting such Removal have been taken out of the Jurisdiction of the City or Borough to the Gaol or House of Correction of which he may have been originally committed into any other Jurisdiction, or out of the County in which such Gaol or House of Correction may be situated into or through any other County or Division of a County; and no Action or other Proceeding shall or may be maintained by such Prisoner or by any other Person against the Gaoler or Keeper of the Gaol or House of Correction of any City or Borough, or against the Gaoler or Keeper of the Common Gaol of the County, by reason or in consequence of such Prisoner having been taken out of the Jurisdiction of such City or Borough into any other Jurisdiction, or out of the County in which such City or Borough may be situated into or through any other County or Division of a County.

Expenses of Prisoners removed to County Gaols to be calculated as provided by 5 & 6 Vict. c. 98.

V. And be it enacted, That the Expenses which shall be incurred by such County in the Maintenance, safe Custody, and Care of every Prisoner so removed whilst in Custody in such County Gaol, shall be calculated upon the same Principle and in the same Manner as provided by an Act passed in the Sixth Year of the Reign of Her present Majesty, intituled *An Act to amend the Laws concerning Prisons*, with respect to Borough Prisoners committed to a County Prison where no special Contract is subsisting between such Borough and County relative to such Prisoners; and such Expenses, and all other Expenses which may be incurred by such County in respect of every such Prisoner, shall be paid by the Council of such City or Borough to the Treasurer of such Gaol or County; and the Amount of all such Expenses shall, in case of Dispute, be settled by a Barrister at Law in the Manner provided by the said Act.

Account of Expenses to be made out and signed by Clerk to Justices, and sent to Town Clerk of Borough.

VI. And be it enacted, That an Account in Writing of the Expenses due and payable, or claimed to be due and payable, in respect of the Maintenance, safe Custody, and Care of such Prisoners as aforesaid, shall be made out from Time to Time, and signed by the Clerk to the Visiting Justices of the County Gaol to which such Prisoners shall have been committed, and delivered to the Town Clerk of the City or Borough within which the Offences shall have been committed; and such Account shall be conclusive against such City or Borough, unless some Objection shall be made in Writing, and signed by the Town Clerk of such City or Borough, and delivered to the Clerk of the said Visiting Justices, within One Calendar Month next after such Account shall have been delivered to such Town Clerk.

In Cases of Conviction for Offences committed within Limits of any City, &c. Court may commit Offender to Borough Gaol.

VII. And be it enacted, That whenever any Person shall be convicted at any Assizes of any Offence committed within the Limits of any City or Borough having or providing and maintaining at its own Cost a Gaol or House of Correction, for which Offence such Person shall be liable either to the Punishment of Transportation or Imprisonment, it shall be lawful for the Court, if it shall so think fit, to commit such Person to such Gaol or House of Correction, in execu-

tion

In case of Commitment of Persons.

tion of his Judgment; and in case of the Commitment of any Person either sentenced to Transportation or pardoned for any Capital Offence on Condition of Transportation, all the Powers, Provisions, and Authorities for the Removal of Offenders sentenced to Transportation given or granted by any former Act or Acts of Parliament to Sheriffs or Gaolers shall be and the same are hereby extended and given to the Gaoler or Keeper of the Gaol or House of Correction in whose Custody such Offender shall be.

Provisions as to Removal before Trial to apply to Removal after Conviction.

VIII. And be it enacted, That all the Provisions herein-before contained with reference to the Removal of Prisoners from any City or Borough Gaol to the County Gaol for Trial at the Assizes shall be applicable and shall be applied to the Removal from the County Gaol to any City or Borough Gaol of any Prisoner who, having been convicted at the Assizes, shall be committed by the Court to such Gaol or House of Correction, in execution of his Judgment.

Borough Justices to have the same Jurisdiction as County Justices under any local Act as to Offences committed within the Borough.

IX. And be it enacted, That after the passing of this Act the Justices of every City or Borough shall have the same Jurisdiction with respect to all Offences committed and Matters arising within such City or Borough as the Justices of the County in which such City or Borough is situate now have under or by virtue of any local or general Act of Parliament; and such Offences and Matters shall be cognizable by One or more of the Justices of such City or Borough in the same Manner as such Offences and Matters are now cognizable by One or more of the Justices of such County: Provided always, that in every Case in which Imprisonment may be awarded for or in respect of any such Offences or Matters aforesaid, or to enforce Payment of any Penalty, Rate, Sum of Money, or Costs imposed or made payable by or by virtue of any such general or local Act or otherwise, such Imprisonment may be awarded to take place in any Gaol or House of Correction to which the Justices of the said City or Borough now have or hereafter may have Power to commit Offenders.

Interpretation of Terms.

X. And be it enacted, That throughout this Act, where there shall be nothing in the Subject or Context repugnant to such Construction, Words importing the Singular Number only shall include the Plural Number, and Words importing the Plural Number only shall include the Singular Number, and Words importing the Masculine Gender only shall include Females.

Extent of Act.

XI. And be it enacted, That this Act shall extend only to *England* and *Wales*.

Act may be amended, &c.

XII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1850.

ANNO DECIMO TERTIO & DECIMO QUARTO

VICTORIÆ REGINÆ.

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Keepers of Slaughter-houses for killing Horses to be licensed.

III. And be it enacted, That no Person shall keep or use any House or Place for the Purpose of slaughtering or killing any Horse or other Animal (which shall not be intended for Butchers Meat) without first taking out a Licence for that Purpose, which Licence every Sheriff within his own County is hereby authorized to grant, upon being satisfied that the Person applying for such Licence is a proper Person for keeping such House or Place, and upon Payment of a Sum not exceeding Five Shillings to the Sheriff Clerk for making out and recording such Licence; and a Copy of such Licence shall be recorded in the Sheriff Clerk's Books; and any Person shall at all reasonable Hours be entitled to inspect such Books, and to make any Extract relating to such Licence therefrom, upon Payment to the Sheriff Clerk of Sixpence for such Inspection and Extract; and every Person so licensed shall cause to be painted in large legible Characters on a Board to be affixed over the Gate or Door of such House or Place his or her Name, with the Words "Licensed for slaughtering Horses, pursuant to an Act passed in the Session of Parliament holden in the Thirteenth and Fourteenth Years of the Reign of Her Majesty Queen *Victoria;*" and any Person failing so to do shall be guilty of an Offence, and shall be liable to a Penalty not exceeding Five Pounds for such Offence, and a farther Penalty of Five Pounds for every Day during which such Board shall not be so affixed.

Persons licensed to affix over Door, &c. a Board with the Words "Licensed for slaughtering Horses."

Description of Cattle received for slaughtering to be entered in a Book.

IV. And be it enacted, That every Person keeping or using or having the Management of any Place for slaughtering Horses or other Cattle (not intended for Butchers Meat) shall, at the Time of receiving any Horse or other Cattle in such Place, enter in a Book such a full and correct Description of the Colour, Marks, and Gender of such Horse or other Cattle as may clearly distinguish and identify the same; and if any such Person shall refuse or neglect to make such Entry in a clear and distinct Manner, or shall refuse or neglect to produce such Book before any Magistrate, whenever required by such Magistrate so to do, or shall refuse to allow such Book to be inspected, and Extracts to be made therefrom, at all reasonable Times, by any Constable or other Person duly authorized by such Magistrate, every such Person shall be guilty of an Offence, and be liable to a Penalty for every such Offence not exceeding Forty Shillings.

Penalty for Neglect.

Persons licensed to slaughter Horses not to be licensed as Horse Dealers at same Time.

V. And be it enacted, That it shall not be lawful for any Person who shall be licensed to slaughter Horses during the Time such Licence shall be in force to be licensed as a Horse Dealer, or exercise or use the Trade or Business of a Dealer in Horses; and if any Person licensed to slaughter Horses shall while such Licence shall be in force obtain a Licence as a Horse Dealer, every such last-mentioned Licence shall be void.

Apprehension of Offender.

VI. And be it enacted, That when and so often as any of the Offences against the Provisions of this Act shall be committed, it shall and may be lawful for any Constable, upon his own View thereof, or upon the Complaint and Information of any other Person who shall declare his or her Name and Place of Abode to the said Constable,

to seize and secure, by the Authority of this Act, any Offender, and forthwith, without any other Authority or Warrant, to convey such Offender before a Magistrate, to be dealt with for such Offence according to Law.

Time of preferring Complaint, and before whom and how to be disposed of.

VII. And be it enacted, That every Complaint under the Provisions of this Act shall be made within One Calendar Month after the Cause of such Complaint shall arise; and where such Complaint shall be made to the Sheriff it shall be competent to such Sheriff to proceed in and to try and to dispose of the same in the same Way and Manner, or as nearly as may be in the same Way and Manner, as any summary Criminal Case may be proceeded in, tried, and disposed of by any Sheriff in *Scotland;* and where such Complaint shall be made to a Justice of the Peace or other Magistrate, it shall be competent to such Justice or Magistrate to proceed in and to try and to dispose of the same in the same Way and Manner, or as nearly as may be in the same Way and Manner, as Justices of the Peace or other Magistrates in *Scotland* may proceed in, try, and dispose of summarily any Offence against Police, or any Breach of the Peace.

Magistrate empowered to adjudge Offender to be imprisoned or fined.

VIII. And be it enacted, That in every Case of a Conviction under this Act, where the Sum imposed as a Penalty, together with Costs (if any) awarded, by any Magistrate, for or in respect of any Offence against the Provisions of this Act, shall not be paid immediately upon the Conviction, or within such Time as the convicting Magistrate shall in the Exercise of his Discretion appoint and limit, it shall be lawful for such Magistrate and he is hereby required to adjudge the Offender to be imprisoned for any Time not exceeding Two Calendar Months, unless Payment be sooner made: Provided always, that it shall be lawful for such Magistrate, if he shall think fit, instead of imposing a pecuniary Penalty, forthwith to adjudge any such Offender to be imprisoned for any Time not exceeding Three Calendar Months.

Vehicles may be detained.

IX. And be it enacted, That whenever any Person having charge of any Vehicle or any Animal shall be taken into Custody by any Constable for any Offence against the Provisions of this Act, it shall be lawful for such Constable to take charge of such Vehicle or Animal, and deposit the same in some Place of safe Custody, as a Security for Payment of any Penalty to which the Person having had charge thereof, or the Owner thereof, may become liable, and for Payment of any Expenses which may have been or may be necessarily incurred for taking charge of and keeping the same; and it shall be lawful for any Magistrate before whom the Case shall have been heard to order such Vehicle or such Animal to be sold, for the Purpose of satisfying such Penalty and reasonable Expenses, in default of Payment thereof.

As to Actions.

X. And be it enacted, That no Action shall be brought against any Magistrate or other Person for anything done in pursuance or under the Authority of this Act, unless such Action shall be commenced

menced within Two Calendar Months next after the Fact committed, and no Action shall be commenced until One Calendar Month at least after a Notice in Writing of such intended Action shall have been delivered to the Defender, or left for him at his usual Place of Abode, by the Party intending to commence such Action, or by his Agent, in which Notice the Cause of Action shall be clearly and explicitly stated, and upon the Back thereof shall be endorsed the Name and Place of Abode of the Parties so intending to sue, and also the Name and Place of Abode or of Business of such Agent, if such Notice shall have been served by such Agent.

Construction of Terms.

XI. And be it enacted, That the following Words and Expressions shall have the Meanings hereby assigned to them respectively, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

The Word "Magistrate" shall be taken to mean a Sheriff or Justice of the Peace or other Magistrate for the County, City, Burgh, Stewartry, or other Jurisdiction in which any Offence against this Act shall be committed, or in which the Matter requiring the Cognizance of such Sheriff, Justice of the Peace, or Magistrate shall arise:

The Word "Animal" shall be taken to mean any Horse, Mare, Gelding, Bull, Ox, Cow, Heifer, Steer, Calf, Mule, Ass, Sheep, Lamb, Hog, Pig, Sow, Goat, Dog, Cat, or any other domestic Animal:

The Word "Constable" shall be taken to mean any Sheriff Officer, Police Officer, Special Constable, Justice of Peace Constable, or any Person belonging to any Constabulary Force in any Part of the United Kingdom:

Words denoting the Singular Number shall include the Plural Number, and Words denoting the Masculine Gender shall include Persons and Animals of the Feminine Gender:

The Word "over-drive" shall also signify "over-ride."

Nothing in this Enactment to interfere with Prosecutions at Common Law.

XII. And be it enacted, That nothing contained herein shall prevent any Act which may be an Offence under this Act, but which could have been prosecuted and punished as an Offence at Common Law, or under any Act, if this Act had not passed, from being so prosecuted and punished as if this Act had not passed.

Act may be amended, &c.

XIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1850.

ANNO DECIMO TERTIO & DECIMO QUARTO

VICTORIÆ REGINÆ.

CAP. XCIII.

An Act for improving the Condition of Masters, Mates, and Seamen, and maintaining Discipline, in the Merchant Service. [14*th August* 1850.]

WHEREAS it is expedient to make Provision for improving the Condition of Masters, Mates, and Seamen, and for maintaining Discipline, in the *British* Merchant Service: Be it enacted by the Queen's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

I. *Short Title.*

1. That this Act may be cited as "The Mercantile Marine Act, 1850."

II. *Interpretation.*

2. And be it enacted, That in the construction of this Act the following Words and Expressions shall have the Meanings hereby assigned to them, if not inconsistent with the Context or Subject Matter; (that is to say,)

Number and Gender:

Words of One Number or Gender shall import all Numbers and Genders:

"Her Majesty:"

The Expression "Her Majesty" shall include Her Majesty, Her Heirs and Successors:

The

Interpretation.

"Her Majesty's Dominions:" The Expression "Her Majesty's Dominions" shall include Her Majesty's Dominions strictly so called, and all Territories under the Government of the *East India* Company, and all other Territories (if any) governed by virtue of any Charter or Licence from the Crown or Parliament of *Great Britain:*

"United Kingdom:" The Expression "United Kingdom" shall include *Great Britain* and *Ireland:*

"Board of Trade:" The Expression "Board of Trade" shall mean the Committee of Her Majesty's Privy Council appointed for the Consideration of Matters relating to Trade and Foreign Plantations:

"Consular Officer:" The Word "Consular Officer" shall include Consul-General, Consul, and Vice-Consul:

"Ship:" The Word "Ship" shall include every Description of Sea-going Vessel:

"Home Trade Ship:" The Expression "Home Trade Ship" shall include every "Ship" to which this Act applies employed in trading or going within the following Limits; (that is to say,) the Coasts of the United Kingdom, the Islands of *Guernsey*, *Jersey*, *Sark*, *Alderney*, and *Man*, and the Continent of *Europe* between the River *Elbe* and *Brest* inclusive:

"Foreign-going Ship:" The Expression "Foreign-going Ship" shall include every "Ship" to which this Act applies employed in trading or going beyond the Limits aforesaid:

"Seaman:" The Word "Seaman" shall include every Person (except Masters and Apprentices duly indentured and registered) employed or engaged to serve in any Capacity on board any "Ship":

"General Merchant Seamen's Act:" 7 & 8 Vict. c. 112. The Expression "General Merchant Seamen's Act" shall mean an Act passed in the Session holden in the Seventh and Eighth Years of the Reign of Her Majesty Queen *Victoria*, intituled *An Act to amend and consolidate the Laws relating to Merchant Seamen, and for keeping a Register of Seamen:*

"Seamen's Protection Act:" 8 & 9 Vict. c. 116. The Expression "Seamen's Protection Act" shall mean an Act passed in the Session holden in the Eighth and Ninth Years of the Reign of Her Majesty Queen *Victoria*, intituled *An Act for the Protection of Seamen entering on board Merchant Ships.*

Explanation and Alteration of Terms in 8 & 9 Vict. c. 116.

3. And be it declared and enacted, That the Words "Seaman" and "Seamen" in the said "Seamen's Protection Act" are meant to include any Person or Persons about to serve as Seamen, notwithstanding that they have not previously been at Sea, and are also meant to include Apprentices in the Sea Service and Persons about to become such Apprentices; and that the said "Seamen's Protection Act" shall, after the Thirty-first Day of *December* One thousand eight hundred and fifty, be

be read and construed as if the Expression "the Ship's Husband" were replaced by the Expression "a Mate of the Ship," and the Expression "Ship's Husband" were replaced by the Expression "Mate of the Ship." *Interpretation.*

4. And be it enacted, That the several Parts of this Act which relate to any "Ships," or to the Owners, Masters, Mates, "Seamen," or Apprentices of any "Ships," shall, so far as the Context and Subject Matter admit, have the following Applications; (that is to say,) III. *Extent of Operation.*

So much of this Act as repeals, alters, or explains any existing Enactment shall apply to the same "Ships" and to the same Matters and Persons to which such Enactment applies: As to Parts which affect or repeal former Acts;

The Remainder of this Act shall, so far as the Context and Subject admit, apply to all "Ships" registered or licensed in the "United Kingdom," (except such as are exclusively employed in fishing on the Coasts of the "United Kingdom," and such as belong to the Corporation of the *Trinity House of Deptford Strond*, the Commissioners of Northern Lighthouses, or the Corporation for preserving and improving the Harbour of *Dublin*, and also except Pleasure Yachts,) and also to all "Ships" registered or licensed in any other Part of "Her Majesty's Dominions," and employed in trading or going between any Place in the "United Kingdom" and any Place or Places not situate in the Territory or Colony in which such "Ship" is registered, and to the Owners, Masters, Mates, and Crews of such "Ships" respectively. As to Remainder.

5. And be it enacted, That the several Parts of this Act shall come into operation at the several Times following; (that is to say,) IV. *Time of Operation.*

So much of this Act as relates to the Appointment of new Officers of the "Board of Trade," and to the Powers hereby given to that Board, and to the Constitution and Powers of Local Marine Boards, and to the Register Office for "Seamen," and to the Establishment of Shipping Offices, and of Examinations for Masters and Mates, shall come into operation immediately on the passing hereof. As to Boards, &c., Shipping and Register Offices, and Examinations;

So much of this Act as relates to the compulsory Production of Certificates of Masters and Mates, Agreements with "Seamen," Advances and Allotments of Wages, Health on board Ship, Desertion, Discipline, Log Books, Payment of Wages, and Discharge of "Seamen," shall, with respect to such "Ships" as are in the "United Kingdom" on the First Day of *January* One thousand eight hundred and fifty-one, and to the Owners, Masters, Mates, and Crews thereof, come into operation on that Day; and with respect to such "Ships" as are not within the "United Kingdom" on that Day, and to the Owners, Masters, Mates, and Crews thereof, as soon after the first subsequent Arrival of such "Ship" in the "United Kingdom" as Preparations are commenced for a further Voyage or Departure from any Place therein: As to Production of Certificates, &c.;

And

Time of Operation.

As to Remainder.

And the Remainder of this Act shall come into operation on the First Day of *January* One thousand eight hundred and fifty-one.

V. *Board of Trade and Local Boards.*

New Duties and Powers generally.

6. And be it enacted, That the "Board of Trade" shall undertake the general Superintendence of Matters relating to the *British* Mercantile Marine, and shall be authorized to carry this Act into execution, and to enforce by legal Proceedings or by such other lawful Means as may seem to it expedient the Provisions of this Act and of all other Acts and Laws relating to the *British* Merchant Service, and may also open an Account or Accounts with the Bank of *England* in the Manner and for the Purposes herein-after mentioned.

Constitution and Functions of Local Marine Boards.

7. And be it enacted, That at such of the Seaports of the "United Kingdom" as have in "Ships" ordinarily employed as "Foreign-going Ships" a Registered Tonnage of Thirty thousand Tons or upwards, and at such other Places as the "Board of Trade" may appoint for this Purpose, Local Marine Boards shall be established for carrying into effect the Provisions of this Act, under the Superintendence of the "Board of Trade"; and each of such Local Marine Boards shall be constituted as follows; that is to say, the Mayor or Provost and the Stipendiary Magistrate, or such of the Mayors or Provosts and Stipendiary Magistrates of the Place (if more than One) as the "Board of Trade" may appoint, shall be a Member or Members *ex officio*, the "Board of Trade" shall appoint Four Members from Residents in the Place or within Seven Miles thereof, and the Owners of such Foreign-going Shipping as aforesaid registered at the Port shall elect Six Members, to be qualified as herein-after mentioned; and such Appointments and Elections shall, in the first instance, take place on the Twenty-fifth Day of *October* One thousand eight hundred and fifty, and shall afterwards take place on the Twenty-fifth Day of *October* in every Third succeeding Year, except in the Case of occasional Vacancies by Death, Resignation, Disqualification, or otherwise, which shall be filled up within One Calendar Month after they occur; and every Person elected on an occasional Vacancy shall continue a Member until the next ordinary triennial Election; and the Mayor or Provost shall fix the Place and Mode of conducting such Elections, and also on occasional Vacancies the Day of Election, and shall give at least Ten Days' Notice thereof; and the Board of Trade shall have Power to decide any Questions which may be raised concerning the Conduct of such Elections: Provided, that no Act of any Local Board shall be vitiated or prejudiced by reason of any Irregularity in the Election of any of its Members, or of any Error in the List of Voters herein-after mentioned, or of any Irregularity in the making or revising such List, or by reason of any Person who is not duly qualified as herein-after provided acting upon such Board: Provided also, that if in any Place, by reason of any Election not taking place, or of the constant Non-attendance of all or the greater Part of the elective Members, or from any other Cause, any Local Marine Board fails to meet or to discharge its Duties, the "Board of Trade" may, if such Failure occurs within Three Months before the next triennial Election of such Local Marine Board, undertake such Duties provisionally until such Election, or, if such Failure occurs more than Three Months before such Election,

Election, may direct a new Election of the elective Members of such Local Marine Board to be had immediately.

Board of Trade, &c.

8. And be it enacted, That every Local Marine Board shall keep Minutes of its Proceedings, in such Mode as the Board of Trade may prescribe, and such Minutes, and all Books or Documents used or kept by any Local Marine Board, or by any Examiners, Shipping Masters, or other Officers, under the Control of any Local Marine Board, shall be open to the Inspection of the Board of Trade and its Officers; but every Local Marine Board may regulate the Mode in which its Meetings are to be held and its Business conducted.

Minutes and Business of Local Boards.

9. And be it enacted, That Owners of "Foreign-going Ships" registered at any Seaport in which there is to be a Local Marine Board shall have Votes at the Election of Members of such Board, as follows; (that is to say,) every registered Owner of Two hundred and fifty Tons in the whole of such Shipping shall, on the Election of each Member, have One Vote for every Two hundred and fifty Tons owned by him, so that his Votes for any One Member do not exceed Ten; and for the Purpose of ascertaining such Qualification the following Rules shall be observed; (that is to say,) in the case of a "Foreign-going Ship" registered in the Name of One Person, such Person shall be deemed to be the Owner; and in the Case of a "Foreign-going Ship" registered in distinct and several Shares in the Names of more Persons than one, the Tonnage shall be apportioned among the Owners as nearly as may be in proportion to their respective Shares, and each of such Persons shall be deemed the Owner of the Tonnage so apportioned to him; and in the Case of a "Foreign-going Ship," or Shares of a "Foreign-going Ship," registered jointly without Severance of Interest in the Names of more Persons than One, the Tonnage shall, if it is sufficient, either alone or together with other Tonnage (if any) owned by such joint Owners, to give a Qualification to each of them, be apportioned equally between the joint Owners, and each of such joint Owners shall be deemed the Owner of the equal Share so apportioned to him, but if the Tonnage aforesaid is not so sufficient, the whole of such Tonnage shall be deemed to be owned by such One of the joint Owners resident at the Port, or within Seven Miles thereof, as is first named on the Register; and in making Apportionment any Portion may be struck off so as to obtain a divisible Amount; and the whole Amount of Tonnage so owned by each Person, whether in "Ships" or Shares of or Interests in "Ships," shall be added together, and if sufficient shall constitute his Qualification; provided that no Person appearing by the Register to be a Mortgagee or Trustee for Sale shall be entitled to vote, but the Person who, subject to such Mortgage or Trust, is the registered Owner, shall for the Purpose of voting be considered the Owner as if no such Mortgage or Trust existed.

Qualification of Voters for Members to Local Marine Boards

10. And be it enacted, That the Collector of Her Majesty's Customs in every Seaport of the United Kingdom at which there is to be a Local Marine Board shall, with the Assistance of the Registrar of Seamen, on or

Register of Votes for Election of Members of Board.

Board of Trade, &c.

or before the Twenty-fifth Day of *September* in the present and in every Third succeeding Year, make out or cause to be made out an alphabetical List of all Persons who may be entitled by virtue of this Act to vote in the Election of a Member or Members to serve on the Local Marine Board of such Seaport; and in such List the Christian Name and Surname and Residence of every Person shall be written at full Length, together with the Number of Votes to which such Person is entitled; and the said Collector shall sign such List, and shall cause a sufficient Number of Copies of such List to be printed, and to be fixed on or near the Doors of the Custom House at such Seaport for Two entire Weeks next after such List has been made; and the said Collector shall likewise keep true Copies of such List, to be perused by any Person, without Payment of any Fee, at all reasonable Hours during such Two Weeks.

Revision of List of Voters.

11. And be it enacted, That Two of Her Majesty's Justices of the Peace, to be nominated triennially by the Mayor or Provost of every Seaport at which there is to be a Local Marine Board, and which Nomination the said Mayor or Provost is hereby required from Time to Time to make, shall, between the Eighth and Fifteenth Days of *October*, both inclusive, in the present and in every Third succeeding Year, having first given Three Days' Notice of such Revision by advertising the same in One or more Newspapers in such Seaport, and by affixing such Notice on or near to the Doors of the Custom House of such Seaport, revise at such Custom House, or in some convenient Room or Place near thereto to be hired for the Purpose by the said Collector, the List so made out as aforesaid; and on every such Revision any Person whose Name has been omitted from such List may claim to be inserted therein, and any Person whose Name has been inserted in such List may object to any other Person as not being entitled to have his Name inserted therein; and the said Revisors may insert the Name of any such Person so claiming to be inserted in such List, on Proof of his being entitled to have his Name so inserted, and shall retain the Name of any Person so objected to, if the Objection shall not have been established to their Satisfaction, and shall retain in the said List the Name of every Person to whom no such Objection shall have been made; and the Decision of the said Revisors with respect to every such List shall be final and conclusive, without Appeal; and the said Revisors shall immediately after such Revision sign their Names at the Foot of the List so revised; and such List, so revised, shall be the Register of Voters in the Election of Members to the Local Marine Board of such Seaport for Three Years from the Twenty-fifth Day of *October* then next ensuing, inclusive, to the Twenty-fourth Day of *October* inclusive, in the Third succeeding Year; and when and so soon as the said List is so signed, the same shall be delivered to the Mayor or Provost of the said Seaport, who shall cause a sufficient Number of Copies thereof to be printed, and delivered to any Voter applying for the same.

Registers to be produced.

12. And be it enacted, That the Collector of Her Majesty's Customs of every such Seaport shall, for the Assistance of the said Revisors in

in revising the said List, produce to them the Books containing the Register of Ships registered at such Seaport, and such Revisors shall be allowed to inspect the same; and the Registrar of Seamen shall also produce or transmit to such Revisors such certified Extracts or Returns from the Books in his Custody as may be necessary for the same Purpose. *Board of Trade, &c.*

13. And be it enacted, That all Expenses incurred by the said Collector at any such Seaport in making and printing the said List, and in the Revision thereof, and all Expenses of the Mayor or Provost in printing the same, shall be certified by the said Justices, in Writing under their Hands, and shall be repaid to the said Collector, Mayor, and Provost by the Board of Trade; and the Board of Trade shall also repay to the said Mayor or Provost all Expenses properly incurred by them in Elections under this Act. Expenses of Collector, Mayor, or Provost, to be repaid to him.

14. And be it enacted, That every Person whose Name shall appear on such revised List, and no other Person, shall be qualified to vote at the Election of Members of the Local Marine Board at such Seaport to be held on the Twenty-fifth Day of *October* next after the Revision of such List, and at any occasional Election held at any Time between that Day and the next ordinary triennial Election of Members of the said Board. Persons on List qualified to vote.

15. And be it enacted, That every Male Person who is, according to such revised List, entitled to a Vote or Votes, and shall reside in the Seaport for which such List has been revised, or within Seven Miles thereof, shall be qualified to be elected a Member of the Local Marine Board of such Seaport: Provided always, that every such Person elected to such Board who after such Election ceases to be an Owner of such Quantity of Tonnage as would entitle him under this Act to One Vote as aforesaid, or to reside as aforesaid, shall no longer continue to act or be considered as a Member of such Board, and thereupon another Election of a qualified Member shall take place and be had in the Stead of such Member of the said Board ceasing to be entitled or to reside as aforesaid. Qualification of Members of Local Marine Boards.

16. And be it enacted, That any Functions or Powers relating to "Seamen" or Apprentices not employed in Her Majesty's Service, which are now vested in or exercised by the Lord High Admiral or the Commissioners for executing his Office, may, with his or their Consent, be transferred to and exercised by the "Board of Trade." Certain Functions of Admiralty may be transferred to Board of Trade.

17. And be it enacted, That the "Board of Trade" shall nominate Two proper Persons to assist such Board in the Execution of this Act, and may from Time to Time remove and replace them, and appoint an annual Salary not exceeding Six hundred Pounds to each of them, and may also for the Purposes aforesaid from Time to Time appoint and remove such Officers, Clerks, and Servants as it may deem necessary, and fix and alter the Amount of Salaries and Wages to be paid to them. New Officers and Servants to be appointed.

18. And

Board of Trade, &c.

Accounts to be laid before Parliament.

18. And be it enacted, That the "Board of Trade" shall cause Accounts of all Moneys received or paid by it or by its Agents, in pursuance of this Act, during the preceding Year, and of all Moneys or Investments applicable to any of the Purposes of this Act of which it may be possessed for the Time being, to be laid before each House of Parliament in the Month of *January* in every Year, if Parliament is then sitting, or, if Parliament is not then sitting, within One Month after the next Meeting thereof.

Minutes, &c. if sealed, to be received as Evidence.

19. And be it enacted, That all Documents purporting to be Originals or Copies of any Minutes or Orders of the "Board of Trade" on Matters connected with the Merchant Service, or of any Scales of Fees settled by it in pursuance of this Act, and purporting to be sealed with the Seal of the "Board of Trade," shall be taken as evidence of such Minutes, Orders, and Scales of Fees respectively, without any further proof.

The Board to sanction Forms required by 7 & 8 Vict. c. 112.

20. And be it enacted, That the "Board of Trade" shall sanction Forms of the several Documents which are required to be in any particular Form by the "General Merchant Seamen's Act," or by so much thereof as is in force for the Time being, and may vary such Forms from those contained in the Schedules thereto, not omitting any essential Particulars.

The Board to settle and issue Forms required by this Act.

21. And be it enacted, That the "Board of Trade" shall cause all such Forms as are hereby required to be sanctioned by it to be prepared, and to be sealed with such Seal as aforesaid, or to be marked with some other distinguishing Mark to be devised and employed for that Purpose, and shall cause such Forms to be issued and sold as herein-after mentioned; and all Books and Documents hereby required to be made in Forms so sanctioned shall, if made in Forms purporting to be so sealed or marked, be taken to have been made in such Forms, unless the contrary is proved; and no Book or Document hereby required to be in a Form so sanctioned shall be admissible in Evidence in any Civil Proceeding on the Part of any Owner or Master of a Vessel unless the same purports to be so sealed or marked: Provided, that the First Set of Forms to be so issued shall be circulated amongst the Local Marine Boards and otherwise published for Six Weeks previous to the First Day of *January* One thousand eight hundred and fifty-one, and after the First Day of *January* One thousand eight hundred and fifty-one no new Form shall be finally issued and brought into use, unless the same has, Three Months or upwards previously to such Issue, been circulated amongst the Local Marine Boards or otherwise published.

No Form not marked to be received as Evidence.

Forms to be published previously.

Forms to be exempt from Stamp Duty.

22. And be it enacted, That all Instruments hereby required to be made in Forms sanctioned by the "Board of Trade" shall, if made in such Forms, be exempt from Stamp Duty.

Penalties for Forgery of Seal, and fraudulent

23. And be it enacted, That every Person who forges or procures to be forged or assists in forging such Seal or other distinguishing Mark as aforesaid, or who fraudulently alters or procures to be altered, or assists

assists in altering any Form issued by the "Board of Trade," with the view of evading any of the Provisions of this Act, or any Condition contained in such Form, for each Offence shall either be deemed guilty of a Misdemeanor, or shall be liable summarily to a Penalty not exceeding Fifty Pounds, or to Imprisonment not exceeding Three Months, with or without hard Labor, as the Justice or Court hearing the Case may think fit; and every Person who in any Case in which a Form sanctioned by the "Board of Trade" is hereby required, without reasonable Excuse uses any Form not purporting to be so sanctioned, or who sells, buys, or uses any Document purporting to be a Form so sanctioned, knowing the same not to be so sanctioned, or not to have been prepared and issued by the "Board of Trade," shall for each Offence be liable to a penalty not exceeding Ten Pounds.

Board of Trade, &c.

Alteration of Forms;

for not using Forms issued by the Board.

VI. *Conduct and Qualifications of Masters and Mates.*

24. And be it enacted, That Examinations shall be instituted for Persons who intend to become Masters or Mates of "Foreign-going Ships," or who wish to procure Certificates of Competency herein-after mentioned; and the "Board of Trade" shall from Time to Time determine on a general Plan for the Conduct thereof; and the Local Marine Boards of such Ports as have in "Ships" ordinarily employed as "Foreign-going Ships" a registered Tonnage of Thirty thousand Tons or upwards, and such other Local Marine Boards as the Board of Trade may appoint, shall provide for the Examinations at their respective Ports, and may appoint and from Time to Time remove and re-appoint Examiners to conduct the same, and may, subject to the general Superintendence of the "Board of Trade," regulate the same, and may, subject to the Sanction of the Board of Trade, fix the Remuneration of such Examiners; provided, that if it appears to the "Board of Trade" that the Examinations for any Two or more Ports can be conducted without Inconvenience by the same Examiners, it may require and authorize the Local Marine Boards of such Ports to act together as One Board in providing for and regulating Examinations and appointing and removing Examiners for such Ports; and all Examiners shall possess Certificates of Qualification to be from Time to Time granted by the "Board of Trade," and shall adhere to the general Plan of Examination instituted by it; and the "Board of Trade" may at any Time depute any of its Officers to be present and assist at any Examination, and any Members of the Local Marine Board of the Place where the Examination is held may also be present and assist at any such Examination.

Examinations to be instituted for Masters and Mates of "Foreign-going Ships."

25. And be it enacted, That all Applicants for Examination shall pay such Fees, not exceeding the Sums specified in Schedule (A), as the "Board of Trade" may direct, to such Persons as it may appoint for that Purpose.

Fees to be paid by Applicants.

26. And be it enacted, That the "Board of Trade" shall deliver to every Applicant who is reported by the Local Examiners to have passed the Examination satisfactorily, and to have given satisfactory Evidence of his Sobriety, Experience, Ability, and general good Conduct on Shipboard, a Certificate to the Effect that he is competent to

Certificates of Competency to be granted to those who pass, &c.

Masters and Mates.

to act as Master or Mate, herein-after called a Certificate of Competency.

Certificates of Service to be delivered to Persons who are already Masters and Mates, and to Officers in the Service of Her Majesty and the East India Company.

27. And be it enacted, That Persons who have before the First Day of *January* One thousand eight hundred and fifty-one served as Masters or Mates in the *British* Merchant Service, or who have attained or hereafter may attain the Rank of Lieutenant, Master, Passed Mate, or Second Master, or any higher Rank, in the Naval Service of Her Majesty or of the *East India* Company, shall be entitled, without Payment of any Fee, to Certificates as Masters or Mates (as the Case may be), differing in Form from "Certificates of Competency," and herein-after called "Certificates of Service"; and each of such Certificates shall contain Particulars of the Name, Place, and Time of Birth, and of the Length and Nature of the previous Service of the Person to whom the same is delivered; and the "Board of Trade" shall deliver to any Person who proves himself to have served as Master in such Manner and before such Time as aforesaid, or to have attained such Rank as aforesaid, and who also gives a full and satisfactory Account of the Particulars aforesaid, a "Certificate of Service" either as Master or Mate, as he may desire, and shall deliver to any Person who proves himself to have served as Mate in such Manner and before such Time as aforesaid, and who also gives a full and satisfactory Account of the Particulars aforesaid, a "Certificate of Service" as Mate; and the "Board of Trade" may also, in Cases in which it thinks fit so to do, gives Certificates of Competency in lieu of Certificates of Service to any deserving Persons who have attained such Rank as above mentioned, or who before this Act comes into operation have obtained Certificates from the "Board of Trade," without requiring them to be examined.

Board may in some Cases give them Certificates of Competency.

Power to Board of Trade, under certain Conditions, to cancel or suspend Certificates.

28. And be it enacted, That if any Master or Mate is convicted of a Misdemeanor under this Act, or is superseded by the Order of a Naval Court constituted as herein-after mentioned, the "Board of Trade" may thereupon cancel or suspend his Certificate, whether of Competency or Service; and if the "Board of Trade" or any Local Marine Board has Reason to believe that any Master or Mate is from Incompetency or Misconduct unfit to discharge his Duties, such Board may either institute an Investigation, or, if expedient, the "Board of Trade" may direct the Local Marine Board at or nearest to the Place at which it may be convenient for the Parties and Witnesses to attend to institute the same; and thereupon such Persons as the "Board of Trade" may appoint for the Purpose, or, as the Case may be, the Local Marine Board, shall, with the Assistance of a Local Stipendiary Magistrate (if any), and if there is no such Magistrate, of a competent legal Assistant to be appointed by the "Board of Trade," conduct the Investigation, and may summon the Master or Mate to appear, and shall give him full Opportunity of making a Defence, either in Person or otherwise, and may exercise any of the Powers of procuring Evidence herein-after given to Special Inspectors appointed by the "Board of Trade," and shall on the Conclusion of the Investigation make a Report upon the Case to the "Board of Trade"; and if such Report is to the Effect that such

Masters and Mates.

such Master or Mate is, either from Incompetency, or from habitual Drunkenness, or from tyrannical Habits, unfit to discharge his Duties, the "Board of Trade" may cancel or suspend his Certificate, whether of Competency or Service; and every Master or Mate whose Certificate is cancelled or suspended shall thereupon deliver it to the "Board of Trade," or as it may direct; and such Board may at any subsequent Time grant a fresh Certificate to any Person whose Certificate has been cancelled, and it may pay the Expense of any such Investigation as aforesaid, and may pay to such Magistrate or legal Assistant as aforesaid such Remuneration as it may deem fit: Provided always, that no Person interested in any Ship shall take part in any Investigation relating thereto or to the Conduct or Competency of any Master or Mate thereof.

The Registrar to have Notice of Grants, Cancellations, &c. of Certificates, and to record the same.

29. And be it enacted, That all Certificates, whether of Competency or Service, shall be made in Duplicate, and one Part shall be delivered to the Person entitled to the Certificate, and the other shall be kept and recorded by the Registrar of Seamen or by such other Person as the "Board of Trade" may direct so to do; and the Board shall give to the Registrar or such other Person immediate Notice of all Orders made by it for cancelling, suspending, altering, or otherwise affecting any Certificate; and the Registrar or such other Person as aforesaid shall thereupon make a corresponding Entry in the Record of Certificates; and a Copy purporting to be certified by the Registrar or his Assistant, or by such Person as aforesaid, of any Certificate shall be *primâ facie* Evidence of such Certificate, and a Copy purporting to be so certified as aforesaid of any Entry made as aforesaid, in respect of any Certificate shall be *primâ facie* Evidence of the Truth of the Matters stated in such Entry; and in case any Master or Mate proves to the Satisfaction of the "Board of Trade" that he has innocently lost or been deprived of any Certificate already granted to him, the Board shall, upon Payment of such Fee (if any) as it may direct, cause a Copy of the Certificate to which by the Record so kept as aforesaid he appears to be entitled to be made out and certified as aforesaid, and to be delivered to him, and any Copy which purports to be so made and certified as aforesaid shall have all the Effect of the Original.

Duplicates and Entries to be Evidence.

In case of Loss a Copy to be granted

No Foreign-going Ship is to proceed to Sea without Production of the Certificates of the Master and Mates.

30. And be it enacted, That no "Foreign-going Ship" shall go to Sea, unless the Master and the First and Second Mates or the only Mate (as the Case may be), if engaged to serve in those Capacities at the Commencement of the Voyage, have obtained and possess valid Certificates either of Competency or Service appropriate to their several Stations; and no Officer of Customs shall clear Outwards any such "Ship" or permit any such "Ship" to proceed to Sea unless such appropriate Certificates are produced to him; and the Tide-waiters left on board shall be maintained at the Expense of the Master or Owner until such Certificates are produced, and Clearance may be delayed till such Expense is satisfied.

Penalties for false

31. And be it enacted, That every Person who makes or procures to be made or assists in making any false Representation for the Purpose

Masters and Mates.

Representations; for forging or altering or fraudulently using any Certificate;

pose of obtaining for himself or for any other Person a Certificate either of Competency or Service, or who fraudulently forges or alters, or procures to be forged or altered, or assists in forging or altering, any such Certificate or any official Copy of any such Certificate, or who fraudulently makes use of any such Certificate or any Copy of any such Certificate which is forged, altered, cancelled, suspended, or to which he is not justly entitled, for each Offence shall either be deemed guilty of a Misdemeanor, or shall be liable summarily to a Penalty not exceeding Fifty Pounds, or to Imprisonment not exceeding Three Months, with or without hard Labour, as the Justice or Court hearing the Case may think fit; and every Person who neglects or refuses to give up a cancelled or suspended Certificate when required by the "Board of Trade" so to do, or who, having been engaged to serve as Master or as First or Second or only Mate of any "Foreign-going Ship," goes to Sea as such Master or Mate without being at the Time entitled to and possessed of a valid and appropriate Certificate, or who employs any Person as Master or Mate of any such "Ship" as aforesaid knowing him not to be entitled at the Time to a valid and appropriate Certificate, shall for each such Offence be liable to a Penalty not exceeding Fifty Pounds.

For neglecting to give up Certificate when cancelled; and for going to Sea without Certificate.

VII. *Registration.*

Transfer to Board of Trade of Control over Registrar; 7 & 8 Vict. c. 112; 5 & 6 W. 4. c. 19

32. And be it enacted, That all Powers of controlling and regulating the General Register and Record Office for Seamen which are given to the Lord High Admiral or the Commissioners for executing the Office of Lord High Admiral by the said "General Merchant Seamen's Act" and by an Act passed in the Session of the Fifth and Sixth Years of the Reign of King *William* the Fourth, intituled *An Act to amend and consolidate the Laws relating to the Merchant Seamen of the United Kingdom, and for forming and maintaining a Register of all the Men engaged in that Service*, shall, from the Time when this Act comes into operation, be vested in the "Board of Trade"; and such Board may, with the Concurrence of the said Lord High Admiral or Commissioners, dispense with the Observance of all or any of those Parts of the "General Merchant Seamen's Act" which relate to Register Tickets of "Seamen"; and such Board may direct the Performance by the Registrar of Seamen of any other Duties than those now imposed on him, or may unite his Office and Duties with any other Office and Duties relating to the Merchant Service, or may abolish his Office, and direct any Duties thereof which the Board may think it desirable to continue to be performed by such Persons, being Servants or Agents of the Board, and in such Manner as the Board may think fit; and the Commissioners of Her Majesty's Treasury may make any Alterations in the payment of the Salaries and Allowances of the Registrar, his Assistants and Clerks, and may regulate the Salaries or Allowances to be paid to them or to any other Persons for performing any of his or their continuing Duties.

Power to dispense with so much of 7 & 8 Vict. c. 112. as relates to Register Tickets.

Power to alter or abolish the Office.

Treasury to regulate Salaries.

Registry, how to be

33. And be it enacted, That the Registrar of Seamen or such other Person as the "Board of Trade" may direct so to do shall, so far as by

by means of the Documents transmitted to him he is able so to do, keep a Record of such Particulars relating to Persons in the Merchant Service as are now recorded by him, or such other Record of Matters relating to such Persons as the Board may direct.

Registration.

kept in future.

34. And be it enacted, That all Shipping Masters and Officers of Customs shall take charge of all Documents which are delivered or transmitted to or retained by them in pursuance of this Act, and shall keep them for such Time (if any) as may be necessary for the Purpose of settling any Business arising at the Place, or for any other proper Purpose, and shall, if required, produce them for any of such Purposes, and shall then transmit them, excepting Log Books, to the Registrar of Seamen, or to such other Person as the "Board of Trade" may direct, to be by him recorded and preserved; and the Registrar, or such other Person as the Board may intrust with the Custody of any such Document, shall, on Payment of a moderate Fee to be fixed by the Board, or without Payment of any Fee if the Board so direct, allow any Person to inspect the same, and, in Cases in which the Production of the Original in any Court of Justice or elsewhere is essential, produce the same, and in other Cases make and deliver to any Person requiring it a certified Copy thereof or of any Part thereof; and every Copy purporting to be so made and certified shall be received in Evidence, and shall have all the Effect of the Original of which it purports to be a Copy.

Shipping Masters and other Officers to transmit Documents to Registrar, to be preserved.

Registrar to permit Inspection, to produce Originals, and give Copies.

VIII. *Shipping Offices.*

Local Boards may establish and regulate Shipping Offices.

35. And be it enacted, That in every Seaport in the "United Kingdom" in which there is a Local Marine Board such Board shall establish a Shipping Office or Shipping Offices, and may procure the requisite Premises, and appoint, and from Time to Time remove and re-appoint, Superintendents of such Offices, to be called Shipping Masters, with any necessary Deputies, Clerks, and Servants, and fix and from Time to Time alter their Salaries and Wages, and regulate the Mode of conducting Business at such Offices, and have complete Control over the same, subject to the Approval and immediate Direction of the "Board of Trade" so far as regards the Number of Persons appointed, the Amount of Salaries and Wages, and the Receipt and Payment of Money; and, subject as aforesaid, every Shipping Master shall obey the Directions of the Local Marine Board by which he is appointed; and all Shipping Masters, Deputies, Clerks, and Servants shall before entering upon their Duties give such Security (if any) for the due Performance thereof as the "Board of Trade" may require; and every Act done by or before any Deputy duly appointed shall have the same Effect as if done by or before the Shipping Master: Provided, that if in any Case any Two Members of any Local Marine Board complain to the "Board of Trade" that any Shipping Master, Deputy, Clerk, or Servant appointed by such Local Marine Board does not properly discharge his Duties, the "Board of Trade" may investigate the Case, and may, if the Complaint is substantiated, remove him from his Office, and may provide for the proper Performance of his Duties until another Person is properly appointed in his Place.

36. And

Shipping Offices.

Business of such Offices generally.

36. And be it enacted, That it shall be the general Business of Shipping Masters appointed as aforesaid to afford Facilities for engaging "Seamen," by keeping Registries of their Names and Characters, to superintend and facilitate their Engagement and Discharge in manner herein-after mentioned, to provide Means for securing the Presence on board at the proper Times of Men who are so engaged, and to perform such other Duties in respect of "Seamen" as are hereby or may hereafter be committed to them.

Business may be transferred from Customs to Shipping Masters.

37. And be it enacted, That the "Board of Trade" may, with the Consent of Her Majesty's Commissioners of Customs, cause any Duties relating to "Seamen" or Apprentices which are now performed by Officers of Customs to be transferred to and performed by Shipping Masters appointed under this Act.

Fees to be paid upon Engagements and Discharges, not exceeding Sums in Schedule B.

38. And be it enacted, That Fees shall be payable upon Engagements and Discharges which in pursuance of this Act are to be effected before Shipping Masters as herein-after mentioned, so nevertheless that such Fees shall not exceed the Sums specified in Schedule B.; and, subject to such Restriction, the "Board of Trade" shall fix and may alter the Amount of such Fees, and shall cause Scales thereof to be prepared and to be conspicuously placed in the Shipping Offices; and all Shipping Masters, their Deputies, Clerks, and Servants, may refuse to proceed with any Engagement or Discharge unless the Fees payable thereon are first paid.

Masters to pay Fees, and to deduct Part from Wages.

39. And be it enacted, That every Owner or Master of a "Ship" engaging or discharging any Crew or "Seaman" in a Shipping Office or before a Shipping Master shall pay to the Shipping Master the whole of the Fees hereby made payable in respect of such Engagement or Discharge, and may, notwithstanding anything in the "Seamen's Protection Act" contained, for the Purpose of in part reimbursing himself, deduct in respect of each such Engagement or Discharge, from the Wages of all Persons (except Apprentices) so engaged or discharged, and retain, any Sums not exceeding the Sums specified in that Behalf in Schedule C.

Schedule C.

Shipping Masters taking other Remuneration to be liable to Penalty.

40. And be it enacted, That any Shipping Master, Deputy Shipping Master, Clerk, or Servant who demands or receives any Remuneration whatever, either directly or indirectly, for hiring, supplying, or providing any "Seaman" for any Merchant Ship, excepting the lawful Fees payable under this Act, shall for every such Offence be liable to a Penalty not exceeding Twenty Pounds.

Forms issued by the Board to be sold at Shipping Offices.

41. And be it enacted, That the "Board of Trade" shall cause printed Forms of all Agreements, Advance Notes, Allotment Notes, Receipts, Discharges, Official Log Books, and other Documents which in pursuance of this Act are issued or sanctioned by the Board for the Use of Persons engaged in or connected with the Merchant Service, to be supplied or sold at all Shipping Offices, at such Times, to such Persons,

Persons, at such moderate Prices (if any), and in such Manner as the Board may direct, or by such other Persons as it may license so to do

Shipping Offices

42. And be it enacted, That the "Board of Trade" may, with the Consent of the Commissioners of Her Majesty's Customs, direct that at any Place in which no separate Shipping Office is established the whole or any Part of the Business of the Shipping Office shall be conducted at the Custom House, and thereupon the same shall be there conducted accordingly; and in respect of such Business such Custom House shall for all Purposes be deemed to be a Shipping Office, and the Officer of the Customs there to whom such Business is committed shall for all Purposes be deemed to be a Shipping Master, within the Meaning of this Act.

Business of Shipping Offices may be transacted at Custom Houses

43. And whereas it is expedient to encourage Sailors' Homes in the Seaports of the "United Kingdom": Be it enacted, That if the "Board of Trade" or any Local Marine Board appoints any Superintendent or other Person connected with any such Home to be a Shipping Master, or constitutes any Office in any such Home a Shipping Office for all or any of the Purposes of this Act, the "Board of Trade" may authorize the whole or any Portion of the Fees paid at any such Office to be appropriated for the Use of such Home: Provided also, that in the Port of *London* the "Board of Trade" may appoint any Superintendent of any Sailors' Home, or any other Person connected therewith, to be a Shipping Master, with such Deputies, Clerks, and Servants as may be necessary, and may appoint any Office in any such Home to be a Shipping Office, and may from Time to Time revoke and alter such Appointments; and all Shipping Masters, Deputies, Clerks, and Servants so appointed, and all Shipping Offices so constituted, in the Port of *London*, shall be subject to the immediate Control of the "Board of Trade," and not to the Local Marine Board of the Port.

The Board may authorize Sailors' Homes to take and retain Fees,

and may appoint Sailors' Homes in London

44. And be it enacted, That the "Board of Trade" may from Time to Time, in any Case or Class of Cases, dispense with the Transaction before a Shipping Master or in a Shipping Office of any Matters required by this Act to be so transacted; and thereupon such Matters shall, if duly transacted as otherwise required by Law, be as valid as if transacted before a Shipping Master or in a Shipping Office.

The Board may in any Cases dispense with the Shipping Master's Superintendence

IX.

Engagement of Seamen and Commencement of Employment

45. And be it enacted, That so much of the "General Merchant Seamen's Act" as relates to Agreements with "Seamen" shall be repealed from the Time when so much of this Act as relates to the same Particulars comes into operation, except as to Agreements entered into and Liabilities and Penalties incurred before that Time; and that such of the Provisions of the same Act as relate to the Delivery and Production of the Agreements thereby required to any Consular or Naval Officer or Officer of Customs abroad, and to Endorsements to be made thereon by any such Officer, shall apply to the Agreements hereby required.

Repeal of so much of 7 & 8 Vict. c. 112. as relates to Agreements, ss. 2, 3, 4, 5, 53, 55, 56.

46 And

Engagement of Seamen.

Agreements to be made with Seamen containing certain Particulars.

46. And be it enacted, That every Master of a "Ship" shall, on carrying any "Seaman" to Sea as one of his Crew, enter into an Agreement with him in the Manner herein-after mentioned; and every such Agreement shall be in a Form to be sanctioned and issued by the "Board of Trade," and shall be dated at the Time of the First Signature thereof, and shall be signed by the Master before any "Seaman" signs the same, and shall contain the following Particulars as Terms thereof:

1. The Nature, and, as far as practicable, the Length of the Voyage or Engagement on which the "Ship" is to be employed:
2. The Time at which each "Seaman" is to be on board or to begin Work:
3. The Capacity in which each "Seaman" is to serve:
4. The Amount of Wages which each "Seaman" is to receive:
5. A Scale of the Provisions which are to be furnished to each "Seaman":
6. Any Regulations as to Conduct on board, and as to Fines, short Allowance of Provisions, or other lawful Punishments for Misconduct, which have been sanctioned by the "Board of Trade" as Regulations proper to be adopted, and which the Parties agree to adopt:

And shall be so framed as to admit of Stipulations, to be adopted at the Will of the Master and "Seaman" in each Case, as to Advance and Allotment of Wages; and may contain any other Stipulations which are not contrary to Law.

For Foreign-going Ships such Agreements, except in special Cases, to be made before and attested by a Shipping Master;

to be in Duplicate, one Copy to be retained, the other for the Master.

Provision for Engagements abroad, and for Substitutes.

47. And be it enacted, That with respect to "Foreign-going Ships," every Agreement (except in the special Cases of Agreements made out of the "United Kingdom" and of Agreements with Substitutes herein-after mentioned) shall be signed by each "Seaman" in the Presence of a Shipping Master; and such Shipping Master shall cause the Agreement to be read over and explained to each "Seaman," or otherwise ascertain that each "Seaman" understands the same before he signs it, and shall attest each Signature; and when the Crew is first engaged the Agreement shall be signed in Duplicate, and one Part shall be retained by the Shipping Master, and the other Part shall contain a special Place or Form for the Descriptions and Signatures of Substitutes, or Persons engaged subsequently to the first Departure of the "Ship," and shall be delivered to the Master, and in the special Cases of "Seamen" engaged out of the "United Kingdom," and of Substitutes engaged in the Place of "Seamen" who have duly signed the Agreement, and whose Services are lost within Twenty-four Hours of the "Ship's" putting to Sea, by Death, Desertion, or other unforeseen Cause, the Engagement may, when practicable, be made before some Official Shipping Master duly appointed either in the "United Kingdom" or in Her Majesty's Dominions abroad for the Purpose of shipping "Seamen," and in the Manner herein-before specified for ordinary Cases happening in the "United Kingdom"; and in such special Cases whenever the Engagement is not so made, the Master shall, before the "Ship" puts to Sea, if practicable, and if not, as soon afterwards as possible, cause the Agreement to be read over and explained

explained to the "Seaman," either before some "Consular Officer," or before some Officer of Customs, or on board the "Ship"; and the "Seaman" shall thereupon sign the same in the Presence of such Officer, or of some other Witness, who shall attest his Signature; provided, that nothing herein contained shall dispense with the Sanction for shipping "Seamen" at Foreign Ports required by the "General Merchant Seamen's Act."

Engagement of Seamen.

48. And be it enacted, That with respect to "Home Trade Ships," Crews or single "Seamen" may, if the Master thinks fit, be engaged or discharged before a Shipping Master in the Manner herein-before directed with respect to "Foreign-going Ships"; and in every Case in which the Engagement is not so made the Master shall, before the "Ship" puts to Sea, if practicable, and if not, as soon afterwards as possible, cause the Agreement to be read over, and explained to each "Seaman," and the "Seaman" shall thereupon sign the same in the Presence of a Witness, who shall attest his Signature.

In Home Trade Ships the Agreement to be entered into either before a Shipping Master or on board.

49. And be it enacted, That every Erasure, Interlineation, or Alteration in any such Agreement as aforesaid (except Additions so made as herein-before directed for shipping Substitutes or Persons engaged subsequently to the first Departure of the "Ship") shall be wholly inoperative, unless proved to have been made with the Consent of all the Persons interested by the written Attestation (if made in Her Majesty's Dominions) of some Shipping Master, Justice, Officer of the Customs, or other public Functionary, or (if made out of Her Majesty's Dominions) of a "Consular Officer," or, where there is no "Consular Officer," of Two respectable *British* Merchants.

Alterations to be void unless attested to have been made with the Consent of all Parties

50. And be it enacted, That in the Case of "Foreign-going Ships" the Master shall, before quitting the first Port of Departure, produce and show to the Collector or Comptroller of Customs the Agreement so signed and attested as aforesaid, and no Officer of Customs shall clear any such "Ship" Outwards or permit any such "Ship" to proceed to Sea without such Production; and the Master shall also, within Forty-eight Hours after the "Ship's" Arrival at her final Port of Destination in the "United Kingdom," or upon the Discharge of the Crew, whichever first happens, deliver such Agreement to the Shipping Master, or, if there is no Shipping Master, to the Collector or Comptroller of Customs; and the Shipping Master or Officer of Customs shall thereupon give to the Master a Certificate of such Delivery; and no Officer of Customs shall clear Inwards any "Foreign-going Ship" without the Production of such Certificate; and in every Case in which any such "Ship" is delayed for Want of the Production of any Agreement or Certificate of the Delivery thereof, the Tide-waiters left on board shall be maintained at the Expense of the Master or Owner until the same is produced, and Clearance may be delayed till such Expense is satisfied.

Agreements to be produced by Foreign-going Ships on Departure, and delivered on Arrival; otherwise they are not to be cleared Inwards.

51. And be it enacted, That in the Case of "Home Trade Ships" no Agreement shall extend beyond the next following Thirtieth Day of *June*

Agreements to be produced by Home Trade

Engagement of Seamen.

Ships half-yearly;

June or Thirty-first Day of *December*, or the first Arrival of the "Ship" at her final Port of Destination in the "United Kingdom" after such Date; and the Owner or Master of every such "Ship" shall, within Twenty-one Days after the Thirtieth Day of *June* and the Thirty-first Day of *December* in every Year, transmit or deliver to some Shipping Master or Officer of Customs in the "United Kingdom" every Agreement made within the Six Calendar Months next preceding such Days respectively; and the Shipping Master or Officer of Customs shall thereupon give to the Master or Owner a Certificate of such transmission or Delivery; and no Officer of Customs shall give to the Master or Owner of any such "Ship" as aforesaid a Transire, or any other Customs Document necessary for the Conduct thereof without the Production of such Certificate.

otherwise they are not to receive Transire, &c.

Seamen not to be bound to produce any Agreement or Copy.

52. And be it enacted, That any "Seaman" may bring forward Evidence to prove the Contents of any Agreement or otherwise to support his Case without producing or giving Notice to produce the Agreement or any Copy thereof.

Seamen not to lose Lien for Wages.

Certain Stipulations to be void.

53. And be it enacted, That no "Seaman" shall by reason of any Agreement forfeit his Lien upon the Ship, or be deprived of any Remedy for the Recovery of his Wages to which he would otherwise have been entitled; and every Stipulation which is inconsistent with any Provision of this Act or of any other Act relating to Merchant "Seamen," and every Stipulation by which any "Seaman" consents to abandon his Right to Wages in the Case of the Loss of the Ship, or to abandon any Right which he may have or obtain in the Nature of Salvage, shall be wholly inoperative.

Copy of Agreement to be made accessible to Crew.

54. And be it enacted, That the Master shall at the Commencement of every Voyage or Engagement cause a legible Copy of the Agreement (omitting the Signatures) to be placed on board in such a Manner as to be accessible to the Crew.

Penalties on Masters; for taking Seamen to Sea without Agreement; for Non-production of Agreement;

for not giving Agreement to Crew;

for falsifying Agreement.

55. And be it enacted, That if in any Case any "Seaman" is carried to Sea without entering into an Agreement in the Form and Manner and at the Place and Time hereby in such Case required, or if any Agreement or such Copy thereof as aforesaid is not delivered or transmitted to a Shipping Master or Officer of Customs at the Time and in the Manner hereby directed, the Master in the Case of a "Foreign-going Ship," and the Master or Owner in the Case of a "Home Trade Ship," shall for each of such Offences be liable to a Penalty not exceeding Five Pounds; and if a Copy of the Agreement is not placed on board in the Manner herein-before directed, the Master shall for such Offence be liable to a Penalty not exceeding Five Pounds; and every Person who fraudulently alters or procures to be altered, or assists in altering, or makes or procures to be made, or assists in making, any false Entry in, or delivers or procures to be delivered or assists in delivering a false Copy of any Agreement, for each such Offence shall either be deemed guilty of a Misdemeanor

Misdemeanor or shall be liable summarily to a Penalty not exceeding Fifty Pounds, or to Imprisonment not exceeding Three Months, with or without hard Labour, as the Justice or Court hearing the Case may think fit.

Engagement of Seamen.

56. And be it enacted, That a "Seaman's" Right to Wages and Provisions shall be taken to commence either at the Time at which he commences Work or at the Time specified in the Agreement for his Commencement of Work or Presence on board, whichever first happens: Provided, that this Enactment shall not prejudice the Infliction of any lawful Punishment, Forfeiture, or Fine; nor shall any "Seaman" be entitled to Wages for any Period during which he refuses or neglects to work when required, whether before or after the Time fixed by the Agreement for his beginning Work.

Right to Wages and Provisions, when to begin.

57. And be it enacted, That any "Seaman" who has signed an Agreement, and who is discharged before the Commencement of the Voyage, or before One Month's Wages are earned, without Fault on his Part justifying such Discharge, and without his Consent, shall be entitled to receive from the Master or Owner, in addition to any Wages he may have earned, due Compensation for the Damage thereby caused to him not exceeding One Month's Wages, and may, on adducing such Evidence as the Justice hearing the Case may deem satisfactory of his having been so improperly discharged as aforesaid, recover such Compensation as if it were Wages duly earned.

Seaman discharged before Voyage to have Compensation.

X.

Advance and Allotment of Wages.

58. And be it enacted, That so much of the "Seaman's Protection Act" as relates to Advance of Wages and Advance Notes shall be repealed from the Time when those Parts of this Act which relate to the same Particulars come into operation, except as to Advances made and Advance Notes given before that Time.

Repeal of 8 & 9 Vict. c. 116. s. 7

59. And be it enacted, That no Advance Note shall be made except in Forms sanctioned by the "Board of Trade," which are to contain Blanks for the Number of Days within which the Notes are to be payable and such other Blanks as may be necessary; and no such Form shall be altered except by duly filling up the Blanks therein; and no Advance of Wages shall be made or Advance Note given to any Person but the "Seaman" himself; and no Advance of Wages shall be made or Advance Note given unless the Agreement contains a Stipulation for the same and an accurate Statement of the Amount thereof; and no Advance Note shall be given to any "Seaman" who signs the Agreement before a Shipping Master, except in the Presence of such Shipping Master, or, except in the Case of a Substitute, until Four Hours after the Agreement has been so signed.

Regulation of Advances and Advance Notes.

60. And be it enacted, That if any Advance of Wages is made or any Advance Note given to any "Seaman" in any such manner as to constitute a Breach of any of the above Provisions, the Wages of such "Seaman" shall be recoverable by him as if no such Advance had been

Advances made contrary to the above Regulations to be no Discharge of Wages.

Advance and Allotment of Wages.

been made or promised; and in the Case of any Advance Note so given no Person shall be sued thereon unless he was a Party to such Breach.

Advance Notes to be receipted when discounted; may be sued on summarily;

61. And be it enacted, That whenever any Advance Note is discounted for any "Seaman," such "Seaman" shall sign or set his Mark to a Receipt endorsed on the Note, stating the Sum actually paid or accounted for to him by the Person discounting the same; and such Person may, after the Expiration of Ten Days from the final Departure of the "Ship" from her last Port of Departure in the "United Kingdom," sue for and recover the Amount promised by the Note, with Costs, either from the Owner or from any Agent who has drawn or authorized the drawing of such Note, either in the County Court, or in the summary Manner in which "Seamen" are by the "General Merchant Seamen's Act" enabled to sue for and recover Wages not exceeding Twenty Pounds; and in any such Proceeding it shall be sufficient for such Person to prove that the Note was given by the Owner or by the Master or some other authorized Agent, and that the same was discounted to and receipted by the "Seaman"; and the "Seaman" shall be presumed to have gone to Sea with the "Ship," and to have duly earned or to be duly earning his Wages, unless the contrary is proved, either by the Production of his Register Ticket, or by the Official Statement of the Change in the Crew caused by his Absence, made and signed by the Master as herein-after required, or in some other Manner.

certain Evidence to be sufficient.

Stipulations for Allotment to be inserted in Agreements.

62. And be it enacted, That all Stipulations for the Allotment of any Part of the Wages of a "Seaman" during his Absence shall be inserted in the Agreement, and shall state the Amounts and Times of the Payments to be made; and all Allotment Notes shall be in Forms sanctioned by the "Board of Trade."

XI.
Health, &c. on Voyage.

Place appropriated to Seamen to have Nine Superficial Feet for each Man, and to be properly constructed.

63. And be it enacted, That every Place in any "Ship" occupied by "Seamen" or Apprentices, and appropriated to their Use, shall have a Space of not less than Nine Superficial Feet for every Adult measured on the Deck or Floor of such Place, which shall be kept free from Stores or Goods of any kind not being their Personal Property in use during the Voyage; and every such Place shall be securely and properly constructed and well ventilated.

Board to issue Scale of Medicines according to 7 & 8 Vict. c. 112. s. 18.

64. And be it enacted, That the Duty of issuing a Scale of Medicines and Medicaments, which is by the "General Merchant Seamen's Act" imposed on the Lord High Admiral or the Commissioners for executing his Office, shall be transferred to the "Board of Trade."

Board may dispense with Lime Juice, &c., in certain Cases.

65. And be it enacted, That in the Case of "Ships" bound to any Ports in "Her Majesty's Dominions" in *North America* the "Board of Trade" may, by general Regulations, dispense with the Observance of so much of the "General Merchant Seamen's Act" as relates to Lime or Lemon Juice, Sugar, and Vinegar, and may limit

limit such Dispensation to any Class of such "Ships," and impose any Conditions it may think fit, and may revoke any such Dispensation.

Health, &c. on Voyage.

Board of Trade and Local Boards may appoint Inspectors of Medicines, who are to see that Ships are properly supplied.

66. And be it enacted, That the "Board of Trade" and the Local Marine Boards may appoint proper Medical Inspectors to inspect the Medicines, Medicaments, Lime or Lemon Juice, Sugar, and Vinegar required by the "General Merchant Seamen's Act," and may, subject to the Sanction of the "Board of Trade," fix the Remuneration of such Persons; and such Medical Inspectors shall, for the Purposes of such Inspection, have the same Powers as the Special Inspectors herein-after mentioned; and whenever any such Medical Inspector reports to the Collector or Comptroller of Customs in any Port, and at the same Time to the Master, Owner, or Consignee of any "Ship" lying therein which is required to carry such Articles, that in such "Ship" the said Articles or any of them are deficient in Quantity or Quality, or are placed in improper Vessels, the Master of such "Ship," before proceeding to Sea, shall produce to such Collector or Comptroller a Certificate under the Hand of such Medical Inspector, or of some other Medical Inspector, to the Effect that such Deficiency has been supplied or remedied, or that such improper Vessels have been replaced by proper Vessels, as the Case may be; and if such "Ship" proceeds to Sea without the Production of such Certificate, the Owner, Master, or Consignee thereof shall be liable to a Penalty not exceeding Twenty Pounds: Provided, that every such Inspector, if required by timely Notice in Writing from the Master, Owner, or Consignee, shall make his Inspection Three Days at least before the "Ship" proceeds to Sea, and if the Result of the Inspection is satisfactory, shall not again make Inspection before the Commencement of the Voyage, unless he has Reason to suspect that some of the Articles inspected have been subsequently removed, injured, or destroyed.

Persons selling bad Drugs liable to Penalty.

67. And be it enacted, That any Person who sells or supplies any Medicines, Medicaments, Lime or Lemon Juice, of bad Quality, for the Use of any Ship, shall for each Offence be liable to a Penalty not exceeding Twenty Pounds.

Masters to keep Weights and Measures on board.

68. And be it enacted, That every Master shall keep on board proper Weights and Measures, for the Purpose of determining the Quantities of the several Provisions and Articles served out, and shall allow the same to be used at the Time of serving out in the Presence of a Witness, whenever any Dispute arises about such Quantities.

Penalties for Want of Space; for improper Construction or Ventilation of Sleeping Places;

69. And be it enacted, That if any Place in any "Ship" occupied by "Seamen" or Apprentices, and appropriated to their Use, is not in the whole sufficiently large to give such Space as herein-before required, or if any such Place is not securely and properly constructed and well ventilated, the Owner shall for every such Offence be liable to a Penalty not exceeding Twenty Pounds; and if any such Space as aforesaid is not kept free from Goods and Stores as aforesaid,

for not keeping Weights and Measures.

said, or if proper Weights and Measures are not kept or allowed to be used as herein-before directed, the Master shall for every Offence be liable to a Penalty not exceeding Ten Pounds.

XII. *Provisions for checking Desertion.*

Refusal to join and Desertion to be punishable with Three Months' Imprisonment; with Power to Justice to send the Offender on board.

70. And be it enacted, That if any "Seaman," after signing the Agreement as herein-before required, or any Apprentice, wilfully neglects or refuses to join his "Ship," or deserts, and then or afterwards is found or arrives at any Place in which there is a Court or Justice capable of exercising Jurisdiction under this Act, he shall, on due Proof of the Offence, and, when practicable, of a proper Entry thereof in the Official Log Book, be summarily punished by Imprisonment for a Period not exceeding Twelve Weeks, with or without hard Labour, at the Discretion of the Court of Justice inflicting the same; provided that, in case the Master or the Owner or his Agent so requires, such Court or Justice may, instead of committing the Offender to Prison, cause him to be conveyed on board for the Purpose of proceeding on the Voyage, or may deliver him to the Master or any Mate of the "Ship," or the Owner or his Agent, to be by them so conveyed, and may in such Case order any Costs and Expenses properly incurred by or on behalf of the Master or Owner by reason of the Offence to be paid by the Offender, and, if necessary, to be deducted from any Wages which he may have then earned, or which by virtue of his then existing Engagement he may afterwards earn.

Master or Owner may give Deserters, &c. in charge without Warrant.

71. And be it enacted, That whenever a "Seaman" or Apprentice neglects or refuses to join, or absents himself without Leave, or deserts, from any "Ship" in which he is engaged to serve, the Master or any Mate, or the Owner, Ship's Husband, or Consignee, may, for the Purpose of carrying him before a Justice, apprehend or require any Police Officer or Constable to apprehend him, without first procuring a Warrant, but so nevertheless as not to detain him in Custody more than Twenty-four Hours, or such shorter Time as may in the particular Case be reasonable, before the Case is heard or a proper Warrant is procured; but if any such Apprehension appears to the Court or Justice before whom the Case is brought to have been made on improper or on insufficient Grounds, the Master, Mate, Owner, Ship's Husband, or Consignee who made the same, or caused the same to be made, shall be liable to a penalty not exceeding Twenty Pounds.

On Voyage Seamen found absent without Leave may be carried on board.

72. And be it enacted, That if in the course of a Voyage any "Seaman" or Apprentice is found absenting himself from his "Ship" without Leave, the Master or any Mate, or the Owner, Ship's Husband, or Consignee, may, in any Place in "Her Majesty's Dominions," with or without the Assistance of the local Authorities, who are hereby directed to give the same, if required, and also at any Place out of "Her Majesty's Dominions," if and so far as the Laws in force at such Place will permit, apprehend him, and shall thereupon, if he so requires, and if practicable, convey him before some Court or Justice capable of hearing his Complaint, to be dealt with according to Law, or may, if he does not so require,

quire, or if there is no such Court or Justice at or near the Place, at once convey him on board.

Provisions for checking Desertion.

73. And be it enacted, That such Wages or Parts of Wages forfeited for Desertion as are, by the Section of the "General Merchant Seamen's Act" numbered IX. in the Copy printed by the Queen's Printer, applicable to the Reimbursement of the Expenses occasioned by such Desertion to the Master or Owner of the "Ship" from which the "Seaman" has deserted, may be recovered by such Master or by the Owner or his Agent in the same manner as the "Seaman" might have recovered the same if they had not been forfeited; and any Court or Justice may, in any Proceeding relating to such Wages, order the same to be paid accordingly.

Wages forfeited for Desertion to be recoverable by Master, &c., who has suffered by the Desertion. 7 & 8 Vict. c. 112. s. 9.

74. And be it enacted, That in all Cases of Desertion from any "Ship" in any Place abroad the Master shall produce the Entry of such Desertion in the Official Log Book to the Person or Persons required by the "General Merchant Seamen's Act" to indorse on the Agreement a Certificate of such Desertion; and such Person or Persons shall thereupon make and certify a Copy of such Entry and also a Copy of the said Certificate of Desertion; and if such Person is a public Functionary he shall, and in other Cases the said Master shall, forthwith transmit such Copies to the Registrar of Seamen in *England*; and the said Registrar shall, if required, cause the same to be produced in any legal Proceeding; and such Copies, if purporting to be so made and certified as aforesaid, and it shown to have come from the Custody of the said Registrar, shall in any legal Proceeding relating to such Desertion be received as Evidence of the Entries therein appearing.

Entries and Certificates of Desertion abroad to be copied, sent home, and admitted in Evidence. 7 & 8 Vict. c. 112. ss. 9, 46.

75. And be it enacted, That if any "Seaman," on or before being engaged, wilfully and fraudulently makes a false statement of the Name of his last "Ship" or last alleged "Ship," or wilfully and fraudulently makes a false Statement of his own Name, he shall forfeit out of the Wages he may earn by virtue of such Engagement a Sum not exceeding Five Pounds; and such Sum shall, subject to Reimbursement of the Loss and Expenses (if any) occasioned by any previous Desertion, be paid to the "Board of Trade."

False Statement as to last Ship or name to be Forfeiture.

76. And be it enacted, That the "Board of Trade" may, by Regulations duly published, dispense with the Necessity of obtaining such Sanctions for the Discharge of "Seamen" in "Her Majesty's Dominions" abroad as are required by the "General Merchant Seamen's Act," and may limit such Dispensations to any particular Class of "Ships" or Voyages, and may impose any Conditions it may think fit, and may revoke any such Dispensation; and whilst any such Dispensation is in force, any Master whose Agreement permits of his so doing, may discharge his Crew or any Members thereof, without such Sanction as aforesaid, in any Place to which such Dispensation may apply.

Board may dispense with Sanction for Discharge of Men in Colonies required by 7 & 8 Vict. c. 121. s. 46.

77. And

XIII. *Discipline on Voyage.*

Misconduct endangering the Ship or Life or Limb a Misdemeanor.

77. And be it enacted, That any Master or Mate of, or any "Seaman" or Apprentice belonging to, any *British* "Ship," who by wilful Breach of Duty, or by Neglect of Duty, or by reason of Drunkenness, does any Act tending to the immediate Loss, Destruction, or serious Damage of such "Ship," or tending immediately to endanger the Life or Limb of any Person belonging to or on board of such "Ship," or who by wilful Breach of Duty, or by Neglect of Duty, or by reason of Drunkenness, refuses or omits to do any lawful Act proper and requisite to be done by him for preserving such "Ship" from immediate Loss, Destruction, or serious Damage, or for preserving any Person belonging to or on board of such "Ship" from immediate Danger to Life or Limb, shall for each such Offence be deemed guilty of a Misdemeanor.

Certain Offences to be punishable on Arrival in Port.

78. And be it enacted, That any "Seaman" or Apprentice who whilst on Service commits any of the following Offences, and who then is or afterwards arrives or is found at any Place in which there is a Court or Justice capable of exercising summary Jurisdiction under this Act, may, on due Proof of the Offence, and of such Entry thereof in the Log Book as herein-after directed, be summarily punished by Imprisonment, with or without hard Labour, not exceeding in Duration the several Periods following; (that is to say,)

Theft, or wilful Damage;

1. Twelve Weeks for wilfully damaging the "Ship," or embezzling or wilfully damaging any of her Stores or Cargo:

Assaulting Officers;

2. Twelve Weeks for assaulting any Master or Mate:

Act of Disobedience;

3. Four Weeks for wilful Disobedience to any lawful Command:

Continued Disobedience or Neglect of Duty;

4. Twelve Weeks for continued wilful Disobedience to lawful Commands, or for continued wilful Neglect of Duty:

Combining to disobey or neglect Duty.

5. Twelve Weeks for combining with any other or others of the Crew to disobey lawful Commands, or to neglect Duty, or to impede the Navigation of the "Ship" or the Progress of the Voyage:

Provided always, that nothing herein-before contained shall take away or abridge any Powers which a Master has over his Crew.

Fines to be deducted from Wages, and paid to Shipping Master.

79. And be it enacted, That whenever any Act of Misconduct is committed which is by the Agreement subject to a Fine, the appropriate Fine shall, if an Entry of the Offence is made and attested in the Official Log Book as herein-after directed, and if the Offence is proved to the Satisfaction of the Shipping Master to whom the Fine is to be paid, be deducted from the Wages of the Offender; and the Master or Owner shall pay over every Fine so deducted as follows; that is to say, in the Case of "Foreign-going Ships" to the Shipping Master before whom the Crew is discharged, and in the Case of "Home Trade Ships" to the Shipping Master at or nearest to the Place at which the Crew is discharged; and any Master or Owner who neglects or refuses to pay over any such Fine as aforesaid shall for each Offence be liable to a Penalty not exceeding

Penalty.

Six

Six Times the Amount of the Fine retained by him: Provided always, that if, before the final Discharge of the Crew in the United Kingdom, any such Offender as aforesaid enters into any of Her Majesty's "Ships," or is discharged abroad, the Offence shall then be proved to the Satisfaction of the Officer in command of the "Ship" into which he so enters, or of the Consular Officer, Officer of Customs, or other Person by whose Sanction he is so discharged; and the Fine shall thereupon be deducted as aforesaid; and an Entry of such Deduction shall then be made in the Official Log Book, and signed by such Officer or other Person; and such Fine shall, on the Return of the Ship to the United Kingdom, in the Case of "Foreign-going Ships," be paid to the Shipping Master before whom the Crew is discharged, and in the Case of "Home Trade Ships" to the Shipping Master at or nearest to the Place at which the Crew is discharged.

Discipline on Voyage.

Both Imprisonment and Forfeiture may be inflicted, if Justice so requires.

80. And be it enacted, That whenever in any Proceeding under the General Merchant Seamen's Act or this Act any Question arises concerning any Offence committed by a "Seaman" or Apprentice which is punishable under either of such Acts, the Court or Justice hearing the same may, if the Justice of the Case requires, order the Offender to be punished, both by lawful Imprisonment appropriate to the case, and, in addition, may make such Order in regard of Wages accruing due in the meantime as to such Court or Justice may seem fit.

No Allowance for Reduction in Provisions during Neglect of Duty or Confinement, or according to Agreement. 7 & 8 Vict. c. 112. s. 12.

81. And be it enacted, That no "Seaman" or Apprentice shall be entitled to any pecuniary Allowance on account of any Reduction in the Quantity of Provisions furnished to him during such Time as he wilfully and without sufficient Cause refuses or neglects to perform his Duty, or is lawfully under Confinement for Misconduct either on board or on shore, or during such Time as such Quantity may be reduced in accordance with any Regulation for Reduction by way of Punishment contained in the Agreement.

XIV. *Naval Court on Voyage.*

Naval Court for hearing Complaints on the High Seas and abroad; its Constitution;

82. And be it enacted, That if, whilst any "Ship" is out of "Her Majesty's Dominions" a Complaint is made by the Master or by any of the certificated Mates, or by one-third or more of the "Seamen" in her Crew, or by the Consignee, to any Naval Officer in Command of any "Ship" of Her Majesty, or, in the Absence of such Naval Officer, to any "Consular Officer," such Naval or Consular Officer shall thereupon, if Circumstances admit, and if he thinks the Case requires immediate Investigation, but not otherwise, summon a Court consisting of not more than Five and not less than Three Members, of whom, if possible, One shall be a Naval Officer not below the Rank of Lieutenant, One a "Consular Officer," and One a Master of a *British* Merchant Ship, and the rest shall be either Naval Officers, Masters of *British* Merchant Ships, or *British* Merchants, and such Court may include the Naval or Consular Officer summoning the same, but shall not include the Master or Consignee of the "Ship"

Provisions for checking Desertion.

and Powers.

to which the Parties complaining or complained against may belong; and the Naval or Consular Officer on such Court, if there is only One such Officer on the Court, and if there is more than One, the Naval or Consular Officer who according to any Regulations for settling their respective Ranks for the Time being in force is of the highest Rank, shall be the President of such Court; and such Court shall hear the Case, and may for that Purpose summon and compel the Attendance of Parties and Witnesses, and administer Oaths and Affirmations, and order the Production of Documents, and may discharge any "Seaman" from his "Ship," and may, if the Court is unanimous that the Safety of the "Ship" or Crew, or the Interests of the Owner, absolutely require it, supersede the Master, and appoint another Person to act in his Stead, such Appointment to be made with the Consent of the Consignee of the "Ship," if then at the Place, and shall, whether any Order is made or not, make a Report containing a Statement of the Proceedings and of the Evidence, and send it to the "Board of Trade"; and such Report, if purporting to be signed by the senior Naval Officer or Master, or to be sealed with the Consular Seal, and if produced out of the Custody of the "Board of Trade" or its Officers, shall be admitted in Evidence in any legal Proceeding.

Report to be sent Home.

Costs of Proceeding and Compensation for Delay.

83. And be it enacted, That such Court may order the Costs of the Proceeding before it (if any), or any Portion thereof, to be paid by any of the Parties thereto, and may order any Person making a frivolous or vexatious Complaint to pay Compensation for any Loss or Delay caused thereby; and any Cost or Compensation so ordered shall be paid by such Person accordingly, and may be recovered in the same Manner as other Sums hereby made recoverable, or may, if the Case admits, be deducted from his Wages; and the "Board of Trade" may, in any Case in which it thinks fit so to do, pay any Costs of any such Proceeding, and make any reasonable Compensation for any Damage or Delay caused thereby.

Penalty for preventing Complaint.

84. And be it enacted, That any Person who wilfully and without due Cause prevents or obstructs the making or Investigation of any such Complaint as aforesaid, shall for each Offence be liable to a Penalty not exceeding Fifty Pounds, or to Imprisonment, with or without hard Labour, for a Period not exceeding Twelve Weeks.

XV. *Log Books.*

The Board is to sanction Forms of Log Books, which are to be invariably employed, and properly kept.

85. And be it enacted, That the "Board of Trade" shall sanction Forms of Official Log Books, which may be different for different Classes of "Ships," and shall contain, amongst other things, Blanks for the Entries herein-after required, and for Entries as to the Character and Conduct of the several Members of the Crew; and an Official Log of every "Ship" shall be kept in the sanctioned Form, and all the Blanks therein shall be duly filled up; and in all Cases the Entries shall be made as soon as possible after the Occurrences to which they relate, and in no Case shall any Entry be made more than Twenty-four Hours after the Arrival of the "Ship" at her final Port of Entry or Discharge in respect of any Occurrence happening previously to such Arrival; and the Official Log

may,

may, at the Discretion of the Master or Owner, be either united with or kept distinct from the ordinary Ship's Log; and in Cases in which they are kept distinct, and in which the Official Log is properly kept, nothing herein contained shall apply to the ordinary Ship's Log. *Log Books.*

86. And be it enacted, That the Master of every "Ship" shall, upon every legal Conviction of any Member of his Crew, and upon every Infliction of Punishment on any such Member, and upon the Commission of every Offence by any such Member for which it is intended to procure Punishment to be inflicted or to enforce a Forfeiture or exact a Fine, immediately cause a Statement of the Offence, and in the Case of a Conviction or of Punishment actually inflicted, a Statement of such Conviction or Punishment, to be entered in the Official Log Book, and shall cause such Entry to be signed by a Mate of the "Ship," or, if there is no Mate, by the Carpenter, Boatswain, or One of the oldest Members of the Crew; and the Master shall also from Time to Time, or at some Time before the Discharge of the Crew, fill up the Blanks left for that Purpose in the Official Log Books with true Entries concerning the Conduct and Character of the several Members of the Crew, or may, in a Blank to be left for that Purpose, state that he declines to give any Opinion thereupon.

Entries of Fines and Punishments to be made in the Log and attested;

also Entries as to Conduct generally.

87. And be it enacted, That every Master shall, in every Case of Illness or Injury causing Suspension of Work or of Death happening to any "Seaman" or Apprentice during a Voyage, cause an Entry thereof, and also, in the Case of Illness or Injury, of the Nature thereof and of the Medical Treatment adopted, and, in the Case of Death, of the Cause of Death, to be made in the Official Log Book, such Entry to be signed by the Mate, or, if there is no Mate, by the Carpenter, Boatswain, or One of the oldest Members of the Crew, and by the Surgeon or Medical Man on board, if any, and shall also, in case of any "Seaman" or Apprentice ceasing to be a Member of the Crew otherwise than by Death on board, thereupon immediately cause an Entry of the Place, Time, Manner, and Cause of such "Seaman" or Apprentice ceasing to be a Member of the Crew to be made in the Official Log Book, such Entry to be signed by the Mate, or, if there is no Mate, by the Carpenter, Boatswain, or One of the oldest Members of the Crew.

Entries of Illness, Injury, and Death to be made in Log Books;

also of Seamen leaving Ship.

88. And be it enacted, That no Lists made in the Form set forth in Schedule (G.) to the "General Merchant Seamen's Act" shall be required from any Master who has engaged his Crew before a Shipping Master; but the Master of every "Foreign-going Ship" of which the Crew has been so engaged shall, before finally leaving the "United Kingdom," sign and send to the nearest Shipping Master a full and accurate Statement, in a Form to be sanctioned by the "Board of Trade," of every Change which takes place in his Crew before finally leaving the "United Kingdom."

List in Schedule (G.) 7 & 8 Vict. c. 112. s. 26. not required.

Changes in Crew to be reported.

89. And be it enacted, That in the Case of "Foreign-going Ships" the Master shall within Forty-eight Hours after the "Ship's" Arrival at

Official Logs to be delivered by

Log Books.

Foreign-going Ships on Arrival;

at her final Port of Destination in the "United Kingdom" or upon the Discharge of the Crew, whichever first happens, deliver to the Shipping Master, or if there is no Shipping Master, to the Collector or Comptroller of Customs, the Official Log Book of the Voyage; and the Shipping Master or Officer of Customs shall thereupon give to the Master a Certificate of such Delivery, and no Officer of Customs shall clear Inwards any "Foreign-going Ship" without the Production of such Certificate; and in every Case in which any such "Ship" is delayed for Want of such Certificate the Tide-waiters left on board shall be maintained at the Expense of the Master or Owner until the same is produced, and Clearance may be delayed till such Expense is satisfied.

otherwise they are not to be cleared.

Official Logs to be delivered by Home Trade Ships half-yearly;

90. And be it enacted, That in the Case of "Home Trade Ships" the Owner or Master shall, within Twenty-one Days after the Thirtieth Day of *June* and the Thirty-first Day of *December* in every Year, transmit or deliver to some Shipping Master or Officer of Customs in the "United Kingdom" the Official Log Book for the preceding Half Year, and the Shipping Master or Officer of Customs shall thereupon give to the Master or Owner a Certificate of such Transmission or Delivery; and no Officer of Customs shall give to the Master or Owner of any such "Ship" as aforesaid a Transire or other Customs Document necessary for the Conduct thereof, without the Production of such Certificate.

otherwise they are not to receive Transire;

Logs to be sent home in case of Transfer of Ship;

91. And be it enacted, That if any "Ship" is so transferred as no longer to be within the Operation of this Act, the Master or Transferer thereof shall, within One Month if such Transfer is made in the "United Kingdom," and within Six Months if the same is made elsewhere, deliver or transmit to the Shipping Master or Comptroller or Collector of Customs at the "Port" to which the "Ship" previously belonged the Official Log Book duly made out to the Time of such Transfer; and if any "Ship" is lost, the Master or Owner thereof shall, if practicable, and as soon as possible, deliver or transmit to the Shipping Master or Comptroller or Collector of Customs at the Port to which the "Ship" belonged the Official Log Book duly made out to the Time of such Loss.

and in case of Loss.

Logs to be re-delivered to Master or Owner.

92. And be it enacted, That every Shipping Master or Officer of Customs to whom any Log Book is delivered in pursuance of this Act shall, at any Time after the Expiration of Forty-eight Hours after such Delivery, re-deliver the same to the Master or Owner, if required so to do; and such Master or Owner shall at any Time within Two Years of such Re-delivery, if required by the "Board of Trade," produce the same for Inspection, as it may direct.

Penalties for not keeping Log;

93. And be it enacted, That if any Log Book hereby required to be kept or made in a particular Manner is not so kept, or if any Entry hereby directed to be made in any Log Book is not made at the Time and in the Manner hereby directed, or if, in case of any such

such Change in a Crew before leaving the "United Kingdom" as herein-before mentioned, such Statement thereof is not signed and sent as herein-before directed, the Master shall for each Offence be liable to a Penalty not exceeding Five Pounds; and if any Log Book hereby required to be delivered, transmitted, or produced is not delivered, transmitted, or produced as hereby directed, the Master or Owner (as the Case may require) shall for each Offence be liable to a Penalty not exceeding Twenty Pounds; and every Person who makes or procures to be made or assists in making any Entry in any Official Log Book more than Twenty-four Hours after the "Ship" has arrived at her final Port of Discharge in respect of any Occurrence happening previously to such Arrival, shall be liable to a Penalty not exceeding Thirty Pounds; and every Person who wilfully makes or procures to be made or assists in making any false or fraudulent Entry or Omission in any Log Book, for each Offence shall either be deemed guilty of a Misdemeanor, or shall be liable summarily to a Penalty not exceeding Fifty Pounds, or to Imprisonment not exceeding Three Months, with or without hard Labour, as the Court or Justice hearing the Case may think fit.

for not reporting Change in Crew;

for not delivering Log,

for making Entries in Log more than 24 Hours after Arrival;

for making false Entries

XVI. *Payment of Wages and Discharge of Crews*

94. And be it enacted, That no "Seaman" who is engaged for a Voyage or Engagement which is to terminate in the "United Kingdom" shall be entitled to sue abroad for Wages in any Court or before any Justice, unless he is discharged in the Manner required by the "General Merchant Seamen's Act," and with the written Consent of the Master, or proves such Ill-usage on the Part of the Master, or by his authority, as to warrant reasonable Apprehension of Danger to the Life of such "Seaman" by remaining on board; but if any "Seaman" on his Return to the "United Kingdom" proves that the Master or Owner has been guilty of any Conduct or Default which, but for this enactment, would have entitled the "Seaman" to sue for Wages before the Termination of the Voyage or Engagement, he shall be entitled to recover, in addition to his Wages, such Compensation, not exceeding Twenty Pounds, as the Court or Justice hearing the Case may think reasonable.

No Seaman to sue for Wages abroad except in Cases of personal Danger:

Remedy on Return to the United Kingdom.

95. And be it enacted, That, except in Cases in which "Seamen" expressly require to be paid without waiting for an account, every Master shall, not less than Twenty-four Hours before paying off or discharging any "Seaman," deliver to him, or, if the "Seaman" is to be discharged before a Shipping Master, to such Shipping Master, a full Account, in a Form sanctioned by the Board, of his Wages, and of all Deductions to be made therefrom on any Account whatever; and no such Deduction (except in the Cases above excepted, and also except in respect of any Matter happening after such Delivery), shall be allowed unless a Statement thereof is so made and delivered.

Masters to deliver Accounts to Seamen.

96. And be it enacted, That in the Case of "Foreign-going Ships," all "Seamen" discharged in the "United Kingdom" shall be discharged

Discharge from Foreign-going Ships to be made

before Shipping Master.

charged and receive their Wages in the Presence of a Shipping Master duly appointed hereunder.

Shipping Master may decide Questions which Parties refer to him.

97. And be it enacted, That the Shipping Master shall hear and decide any Question whatever between a Master or Owner and any of his Crew which both Parties agree in Writing to submit to him; and every Decision so made by him shall be binding on both Parties, and shall, in any legal Proceeding which may be taken in the Matter before any Court or Justice, be deemed to be conclusive as to the Rights of the Parties; and such written Submission, though unstamped, signed by the Parties, with an unstamped Certificate of the Decision signed by the Shipping Master, shall be sufficient Evidence that the same has been duly made.

Release to be signed before and attested by the Shipping Master;

and to be kept;

and to be a Discharge;

and no other Receipt to be a Discharge.

Voucher to be given to Master, and to be Evidence.

98. And be it enacted, That upon the Completion before a Shipping Master of any Discharge and Settlement, the Master or Owner and each "Seaman" shall respectively in the Presence of the Shipping Master sign a mutual Release of all Claims in respect of the past Voyage or Engagement, in a Form to be sanctioned by the "Board of Trade," and the Shipping Master shall also sign and attest it, and shall retain and transmit it as herein-before directed; and such Release so signed and attested shall operate as a mutual Discharge and Settlement of all Demands between the Parties thereto in respect of the past Voyage or Engagement; and a Copy of such Release, certified under the Hand of such Shipping Master to be a true Copy, shall be given by him to any person who may be a Party thereto and may require the same; and such Copy shall be receivable in Evidence upon any future Question touching such Claims as aforesaid, and shall have all the Effect of the Original of which it purports to be a Copy; and in Cases in which Discharge and Settlement before a Shipping Master is required, no Payment, Receipt, Settlement, or Discharge otherwise made shall operate or be admitted as Evidence of the Release or Satisfaction of any Claim; and upon any Payment being made by a Master before a Shipping Master, the Shipping Master shall, if required, sign and give to such Master a Statement of the whole Amount so paid; and such Statement shall, as between the Master and his Employer, be received as Evidence that he has made the Payments therein mentioned.

Master to make Reports of Character.

99. And be it enacted, That every Master shall, upon any Discharge being effected before a Shipping Master, make and sign in Duplicate, in a Form sanctioned by the "Board of Trade," a Report of the Conduct, Character, and Qualifications of the Persons discharged, or may state, in a Column to be left for that Purpose, in the said Form that he declines to give any Opinion thereupon; and the Shipping Master shall retain one Copy, and shall transmit the other to the Registrar of Seamen, or to such other Person as the Board may direct, to be recorded, and shall, if desired so to do by any "Seaman," give to him or endorse on his Certificate of Discharge a Copy of so much of such Report as concerns him.

100. And

Payment and Discharge.

Master, &c., to produce Ship's Papers, &c. to Shipping Masters, and give Evidence.

100. And be it enacted, That any Shipping Master may, in any Proceeding relating to the Wages, Claims, or Discharge of any "Seaman" hereby directed to be carried on before him, call upon the Owner or his Agent, or upon the Master or any Mate or other Member of the Crew, to produce any Log Books, Papers, or other Documents in their respective Possession or Power relating to any Matter in question in such Proceeding, and may call before him and examine any of such Persons, being then at or near the Place, on any such Matter.

Penalties for not discharging before Shipping Master;

for not giving Account to Seamen;

for not giving Evidence;

for falsifying, forging, or fraudulently using Certificates of Character.

101. And be it enacted, That any Master or Owner who, in any Case in which Discharge and Settlement for Wages are hereby directed to be made before a Shipping Master, discharges any "Seaman" or settles with him for his Wages otherwise than as herein-before directed, shall for each Offence be liable to a Penalty not exceeding Ten Pounds; and any Master who fails to deliver such Account as herein-before required at the Time and in the Manner herein-before directed shall for each Offence be liable to a Penalty not exceeding Five Pounds; and every Owner, Agent, Master, Mate, or other Member of the Crew, who when called upon by the Shipping Master does not produce any such Paper or Document as herein-before in that Behalf mentioned, if in his Possession or Power, or does not appear and give Evidence, and does not show some reasonable Excuse for such Default, shall for each Offence be liable to a Penalty not exceeding Five Pounds; and every Person who makes or procures to be made or assists in making any false Certificate or Report of the Service, Qualifications, Conduct, or Character of any "Seaman," knowing the same to be false, or who fraudulently forges or alters, or procures to be forged or altered, or assists in forging or altering, any such Certificate or Report, or who fraudulently makes use of any Certificate or Report which is forged or altered or does not belong to him, for each Offence shall either be deemed guilty of a Misdemeanor, or shall be liable summarily to a Penalty not exceeding Fifty Pounds, or to Imprisonment not exceeding Three Months, with or without hard Labour, as the Justice or Court hearing the Case may think fit.

XVII. *Powers of Investigation.*

Power of procuring Returns, &c.

102. And be it enacted, That all "Consular Officers" and all Officers of Customs abroad, and all Local Marine Boards, and Shipping Masters, shall make and send to the "Board of Trade" such Returns or Reports on any Matter relating to the *British* Merchant Service, or to Persons employed therein, as it may require; and all Shipping Masters shall, when required, produce to the "Board of Trade" or to its Officers all Log Books and other Documents which in pursuance of this Act are delivered to them, and the "Board of Trade" may require the Attendance of any Officer of Customs or other public Officer or Servant in the "United Kingdom" whom it thinks fit to examine concerning any such Matter as aforesaid, and may require from him any Answers or Returns as to any such Matter, and may examine him on Oath or Affirmation, and cause him to produce before it any Documents in his Possession relating to any such Matter.

103. And

Powers of Investigation.

Shipping Masters, Naval Officers, Consuls, and Officers of Customs may call for Log, &c.

103. And be it enacted, That every Shipping Master, and every Officer and Agent of the "Board of Trade," and every Commissioned Officer of any of Her Majesty's "Ships," and every *British* "Consular Officer," and every Chief Officer of Customs in any Place in "Her Majesty's Dominions" abroad, may require the Production of the Official Log Book and any Documents relating to the Crew in the Possession of the Owner, Master, or any of the Crew, for the Purpose of inspecting the same, and of seeing that the Provisions of this Act, and of every other Act relating to Merchant "Seamen," are complied with.

In Cases of Accident, Misconduct, and of gross Violation of Law, the Board may appoint special Inspectors to report.

104. And be it enacted, That whenever the "Board of Trade" has Reason to apprehend that any serious Accident occasioning Loss of Life or Property has been sustained or caused by or has happened on board of any "Ship," or that any "Ship" has been lost or has received material Damage, or that any of the Provisions of this Act or of any other Act relating to Merchant "Ships" or Merchant Sailors are so grossly neglected or disobeyed as to require special Investigation, it may appoint the local Examiners or any other proper Person or Persons as special Inspector or Inspectors to inquire into and to report thereupon; and every Person so authorized may at all reasonable Times, upon producing his Authority (if required), go on board and inspect any "Ship" the Inspection of which appears to him requisite for the Purpose of the Investigation, and every Part thereof, not detaining the "Ship" from proceeding on her Voyage, and enter and inspect any Premises the Entry or Inspection of which appears to him requisite for the same Purpose, and may make such Inquiries in the Matter as he may think fit.

Inspectors may call for the Production of Evidence.

105. And be it enacted, That every such special Inspector as aforesaid may, by Summons under his Hand, require the Attendance of all such Persons as he may think fit to call before him upon any Matter connected with the Execution of any of the Powers and Duties vested in him as such Inspector, and may require Answers or Returns to any Inquiries he may think fit to make, and may require and enforce the Production of all Log Books, Accounts, Agreements, or other Papers or Writings in any wise relating to any such Matter, and may also require every such Person to make and subscribe a Declaration of the Truth of the Statements made by him in his Examination: Provided always, that no such Person need for the Purpose of obeying any such Summons travel more than Ten Miles from his actual Abode at the Time of receiving the same, unless Tender is made to him of such reasonable Expenses in respect of his Attendance to give Evidence and his Journeys to and from the Place where he is required to attend for that Purpose as would be allowed to any Witness attending on Subpœna to give Evidence before any of Her Majesty's Courts at *Westminster;* and in case of any Dispute as to the Amount of such Expenses, the same shall be referred by the Inspector to One of the Masters of Her Majesty's Court of Queen's Bench, who is hereby required, on a Request made to him for that Purpose under the Hand of the said Inspector, to ascertain and certify the proper Amount of such Expenses.

Expenses of Witnesses.

106. And

Powers of Investigation.

Penalties for obstructing Inspectors in the Execution of their Duty:

and for not giving Evidence to Inspector.

106. And be it enacted, That every Person who willfully impedes any special Inspector appointed by the "Board of Trade" or any other Person hereby authorized to enter and inspect any "Ship" or other Premises in the Execution of his Duty, whether on board any "Ship" or elsewhere, may be seized and detained by such Inspector or other Person, or by any Person or Persons whom he may call to his Assistance, until such Offender can be conveniently taken before some Justice of the Peace or other Officer having proper Jurisdiction; and every such Offender, and also every Person who refuses to attend as a Witness before any special Inspector when required so to do in the Manner hereby directed, or who refuses or neglects to make any Answer, or to give any Return, or to produce any Document in his Possession, or to make or subscribe any Declarations which any special Inspector or other such Person as aforesaid is hereby empowered to require, shall for each Offence be liable to a Penalty not exceeding Ten Pounds.

XVIII *Procedure.*

Misdemeanors to be prosecuted by Information or Indictment.

Penalties and other Sums to be recovered, and Offences punished summarily.

11 & 12 Vict. c. 43.

7 & 8 Vict. c. 112.

107. And be enacted, That all Misdemeanors mentioned or created by this Act may be prosecuted by Information at the Suit of Her Majesty's Attorney General, or by Indictment, or by such other legal Proceeding as is applicable in the like Cases in any Court having appropriate Criminal Jurisdiction in any of "Her Majesty's Dominions," and shall be punishable with Fine or Imprisonment, with or without hard Labour, or both, as such Court may think fit; and the Court may, if it shall think fit, order Payment of the Costs and Expenses of the Prosecution; and all Penalties and other Sums of Money hereby made payable or recoverable may be recovered, with Costs; and all Offences hereby made punishable otherwise than solely as Misdemeanors may be prosecuted and punished, and the Costs of such Prosecution recovered, by some appropriate summary Proceeding, before One or more Justice or Justices, Sheriff or Sheriffs, or other Officer or Officers exercising a similar Jurisdiction in any Part of "Her Majesty's Dominions;" and all such summary Proceedings, if instituted in *England* or *Wales*, may, so far as is consistent with the Provisions of this Act, be carried on either in the Manner directed by an Act passed in the Session of the Eleventh and Twelfth Years of the Reign of Her Majesty Queen *Victoria*, intituled *An Act to facilitate the Performance of the Duties of Justices of the Peace out of Sessions within* England *and* Wales *with respect to summary Convictions and Orders*, or, if the Case admits, in the Manner directed by the "General Merchant Seamen's Act" as to Penalties thereby imposed.

Jurisdiction to be where the Offence is committed, or wherever the Offender is.

108. And be it enacted, That for the Purpose of giving Jurisdiction under this Act every Offence shall be deemed to have been committed, and every Cause of Complaint to have arisen, either in the Place in which the same actually was committed or arose, or in any Place in which the Offender or Person complained against may be.

Service to be good if made personally,

109. And be it enacted, That Service of any Summons or other Matter in any legal Proceeding under the "General Merchant Seamen's Act"

Procedure.

or on board Ship, &c. 7 & 8 Vict. c. 112. 8 & 9 Vict. c. 116.

Act" or the "Seamen's Protection Act" or this Act, shall be good Service if made personally on the Person to be served, or if made by leaving such Summons for him on board any Vessel to which he may belong, with the Person being or appearing to be in command or charge of such Vessel.

Parties may give Evidence. 7 & 8 Vict. c. 112. 8 & 9 Vict. c. 116.

110. And be it enacted, That in any legal Proceeding of a Civil Nature under the "General Merchant Seamen's Act" or the "Seamen's Protection Act" or this Act, every Person, whether a Party to the Proceeding or not, shall be a competent Witness, and be allowed to give Evidence accordingly.

Amount and Application of Penalty.

111. And be it enacted, That any Justice or Justices or other Court or Officer imposing any Penalty under this Act for which no specific Application is herein provided, may, if he or they think fit, direct that a Part, not exceeding One Moiety thereof, shall be applied to compensate any Person or Persons for any Wrong or Damage which he may have sustained by the Act or Default in respect of which such Penalty is imposed; and, subject to such Directions or specific Application as aforesaid, all Penalties recovered in the "United Kingdom" shall be paid over to the "Board of Trade" or applied as it directs, and all Penalties recovered in "Her Majesty's Dominions" abroad shall be paid over into the public Treasury of the Place, and form Part of the public Revenue thereof; and all Sums of Money hereby made recoverable, not being Penalties, shall be paid to the Persons hereby enabled to recover the same; and all Penalties and Forfeitures which by the "General Merchant Seamen's Act" or the "Seamen's Protection Act" are made payable to the Seamen's Hospital Society shall be paid to the "Board of Trade," or as it may direct.

No Proceeding to be void for Informality.

112. And be it enacted, That no Conviction, Order, or other Proceeding under the "General Merchant Seamen's Act" or this Act shall be quashed or vacated for Want of Form.

Distress not unlawful for Want of Form. 7 & 8 Vict. c. 112. 8 & 9 Vict. c. 116.

113. And be it enacted, That no Distress levied in any Proceeding under the "General Merchant Seamen's Act" or the "Seamen's Protection Act" or this Act shall be deemed unlawful, nor shall any Person making the same be deemed a Trespasser, on account of any Defect of Form in the Summons, Order, Conviction, Warrant of Distress, or other Proceeding relating thereto, nor shall such Party be deemed a Trespasser *ab initio* on account of any Irregularity afterwards committed by him, but any Person aggrieved by such Defect or Irregularity may recover Satisfaction for the special Damage in an Action.

Limitation of Time.

114. And be it enacted, That every legal Proceeding under this Act shall, in case the Offence is committed or the Cause of Complaint arises within Twenty Days before the Commencement or during the Continuance of any Voyage made either by the Person complaining or the Person offending complained against, be commenced not

not later than Twelve Calendar Months after the first subsequent Arrival of such Person or of both of such Persons in the "United Kingdom," and in all other Cases within Twelve Calendar Months after the Offence or Cause of Complaint has been committed or arisen.

Procedure.

XIX. *Evidence taken abroad.*

Depositions taken before Consuls to be received as Evidence when the Witness cannot be produced. 7 & 8 Vict. c. 112. s. 59.

115. And be it enacted, That whenever, in any legal Proceeding in *England* in respect of any Matter in which *British* "Consular Officers" have the Power of taking Depositions, it is proved that a Witness who has been examined before any "Consular Officer" abroad is out of the "United Kingdom" or cannot be found or produced on the Trial or Hearing, the Deposition of such Witness taken before such "Consular Officer" in the Matter, and, if the Proceeding is criminal, in the Presence of the Party accused, and certified by such "Consular Officer" under his official Seal to have been so taken, shall be admitted in Evidence in such Proceeding; and any Deposition purporting to be so certified as aforesaid shall be deemed to have been so taken and certified as aforesaid, unless the contrary is proved.

XX. *Application of Moneys.*

Shipping Masters and other public Servants receiving or recovering Money to pay or account for the same to the Board.

116. And be it enacted, That every Shipping Master, Officer of Customs, or other public Officer or Servant, who receives or recovers within the "United Kingdom" any Sum of Money for the Sale of any Forms supplied to him by the "Board of Trade," or any Fee, Fine, or Penalty hereby made payable, shall be deemed to be the Agent of such Board in respect thereof, and shall, according to its Instructions, either transmit the same to or to the Account of such Board, or retain or apply the same as it may direct, and shall, at such Times as such Board may direct, render to it a full Account of all Moneys so received and of the Application thereof.

Moneys not presently required to be invested in Parliamentary Securities.

117. And be it enacted, That all Moneys coming to the Hands of the "Board of Trade" under the Provisions of this Act which are not presently required for any of the Purposes herein-after mentioned, and of which no other Application is hereby specially directed, shall be paid into the Bank of *England* to an Account or Accounts to be there opened in the Name of such Board; and such Board may, at its Discretion, invest any such Moneys in Parliamentary Securities, but in no other Security, and may from Time to Time either accumulate the annual Produce of such Investments, or apply the same to any of the Purposes herein-after mentioned, and may from Time to Time sell any Part of the Principal, and apply the Proceeds to any of such Purposes.

Moneys to be applied in Payment of Expenses, &c.

118. And be it enacted, That the "Board of Trade" shall, out of the Moneys which come to its Hands or to the Hands of its Agents as aforesaid (except Moneys of which some other Application is hereby specially directed), and the Produce of the Investments of such Moneys, in the first place pay all Salaries, Wages, Remunerations, Payments, and Expenses hereby authorized, and all Expenses properly incurred by the Board or its Agents in pursuance of any of the Provisions of this

Application of Moneys.

this Act, and in the next place pay annually to the Seamen's Hospital Society the following Sums, that is to say, in case the nett Amount arising from such Fines and Forfeitures as have hitherto been received by the said Society equals or exceeds One thousand one hundred and fifty Pounds, then the Sum of One thousand one hundred and fifty Pounds, or, in case such nett Amount is less than One thousand one hundred and fifty Pounds, then a Sum equal to such nett Amount, and shall apply the Remainder of such Moneys for the Benefit of Persons engaged in or connected with the Merchant Service in such Manner as it may think fit.

XXI. *East Indies and Colonies.*

Certain Provisions in 7 & 8 Vict. c. 112. extended to India.

119. And be it enacted, That in construing the "General Merchant Seamen's Act" the Expressions "Her Majesty's Dominions," "Her Majesty's Possessions," "Her Majesty's Colonies," "Her Majesty's Plantations," "*British* Possessions," and "*British* Colonies," shall, from the Thirty-first Day of *December* One thousand eight hundred and fifty, be taken to include the Territories under the Government of the *East India* Company, and all other Territories (if any) governed by virtue of any Charter or Licence from the Crown or Parliament of *Great Britain*.

East Indian and Colonial Governments may appoint Officers, and give Directions for enforcing 7 & 8 Vict. c. 112. and this Act.

120. And be it enacted, That the Governor General of *India* in Council and the respective Legislative Authorities in Her Majesty's Colonies and Possessions abroad may, by any Acts, Orders, or other appropriate Means, appoint any Functionaries to perform any of the Duties and exercise any of the Powers within their respective Jurisdictions which are by this Act or by the "General Merchant Seamen's Act" committed to Justices, Officers of Customs, or other public Servants, and may direct in what Manner the Offences thereby made punishable shall be prosecuted and punished, and in what Manner the Penalties thereby imposed and Sums of Money thereby made recoverable shall be recovered in Places within their respective Jurisdictions, and in what Manner and to what Uses such Penalties and Sums of Money shall be applied; and every such Appointment and Direction shall be valid, notwithstanding anything in the "General Merchant Seamen's Act" or in this Act contained.

The Provisions of 7 & 8 Vict. c. 112., 8 and 9 Vict. c. 116., and this Act, when applied by East Indian and Colonial Governments to their own Ships, may be enforced throughout the Empire.

121. And be it enacted, That if the Governor General of *India* in Council or the respective Legislative Authorities in any of Her Majesty's Colonies or Possessions abroad think fit, by any Acts, Orders, or other appropriate legal Means, to apply or adopt any of the Provisions in the "General Merchant Seamen's Act" or in the "Seamen's Protection Act" or in this Act contained to any *British* "Ships" registered at, trading with, or being at any Place within their respective Jurisdictions, and to the Owners, Masters, Mates, and "Crews" thereof, such Provisions, when so applied and adopted as aforesaid and as long as they remain in force, shall, in respect of the "Ships" and Persons to which the same are applied, be enforced, and Penalties and Punishments for the Breach thereof shall be recovered and inflicted throughout "Her Majesty's Dominions," in the same Manner as if such Provisions had

had been hereby so adopted and applied, and such Penalties and Punishments had been hereby expressly imposed: Provided that if in any Matter relating to any "Ship," or to any Member of the Crew of any "Ship," there appears to be a Conflict of Laws, the Case shall be governed by the Law of the Place in which such "Ship" is registered or licensed.

East Indies and Colonies.

Conflict of Laws.

122. Provided also, and be it enacted, That every Act, Order, or other Form of Law to be passed or promulgated by the Governor General of *India* in Council or by any other Legislative Authority in pursuance of this Act shall respectively be subject to the same Right of Disallowance or Repeal, and require the same Sanction or other Acts and Formalities, and be subject to the same Conditions in all respects, as exist and are required in order to the Validity of any other Act, Order, or other Form of Law passed by such Governor General or other Legislative Authority respectively.

East Indian and Colonial Acts to be subject to Disallowance, and require Sanction as in other Cases.

123. And be it enacted, That any Person who secretes himself and goes to Sea in any "Ship" without the Consent of either the Owner, Consignee, or Master, or of any Mate, or of any Person in charge of such Ship, or of any other Person entitled to give such Consent, shall be liable to a Penalty not exceeding Twenty Pounds, or to Imprisonment, with or without hard Labour, for a Period not exceeding Four Weeks, at the Discretion of the Court or Justice inflicting the same.

Penalty for obtaining Passage surreptitiously.

124. And be it enacted, That the Municipal Corporation of any Borough, being a Seaport, in the United Kingdom, and any Body Corporate, Association, or Trustees in any such Seaport existing or constituted for any public Purposes relating to the Government or Benefit of Persons engaged in the *British* Merchant Service, or to the Management of Docks and Harbours, or for any other public Purposes connected with Shipping or Navigation, may, with the Consent of Her Majesty's Principal Secretary of State for the Home Department, appropriate any Lands vested in them, or in Trustees for them, as a Site or Sites for a Sailors' Home or Sailors' Homes, and may for that Purpose either retain and apply the same accordingly or convey the same to Trustees, with such Powers for appointing new Trustees and continuing the Trust, as they may think fit.

Corporations, &c. may grant Sites for Sailors' Homes.

125. And be it enacted, That this Act may be amended or repealed by any Act to be passed during this present Session of Parliament.

Act may be amended, &c.

SCHEDULES referred to in the foregoing Act.

SCHEDULE A.

Scale of Fees on Examinations.

	£	s.	d.
For a Master's Certificate - - -	2	0	0
For a Mate's Certificate - - -	1	0	0

SCHEDULE B.

Scale of Fees for Matters transacted at Shipping Offices.

1. Engagement of Crews.

	£	s.	d.
Vessels under 60 Tons - - -	0	5	0
60 to 100 " - - - -	0	10	0
100 to 200 " - - - -	0	15	0
200 to 300 " - - - -	1	0	
300 to 400 " - - -	1	5	0
400 to 500 " - - - -	1	10	0
500 to 600 " - - -	1	15	0
600 to 700 " - - - -	2	0	0
700 to 800 " - - -	2	2	6
800 to 900 " - - - - -	2	5	0
900 to 1,000 " - - -	2	7	6
Above 1,000 " - - - -	2	10	

2. Engagement of Seamen separately.

Two Shillings for each.

3. Discharge of Crews.

		£.	s.	d.
Vessels under 60	Tons	0	5	0
60 to 100	"	0	10	0
100 to 200	"	0	15	0
200 to 300	"	1	0	0
300 to 400	"	1	5	0
400 to 500	"	1	10	0
500 to 600	"	1	15	0
600 to 700	"	2	0	0
700 to 800	"	2	2	6
800 to 900	"	2	5	0
900 to 1,000	"	2	7	6
Above 1,000	"	2	10	0

4. Discharge of Seamen separately.

Two Shillings for each.

SCHEDULE C.

Sums to be deducted from Wages by way of partial Repayment of the Fees in Schedule B.

1. In respect of Engagements and Discharges of Crews.

		s.	d.
From Wages of a First Mate, Purser, Engineer, or Surgeon of every Ship of 200 Tons or upwards		2	6
"	Every other Mate of any Ship	1	6
"	Carpenter of any Ship	2	6
"	Steward of any Ship	1	6
"	All others (except Apprentices) belonging to any Ship	1	0

2. In respect of Engagements and Discharges of Seamen separately.

	s.	d.
From Wages of each Seaman	1	0

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